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ABSTRACT

This document contains selections from the California Administrative Code, Education Code, Government Code, and others relating to public libraries, county law libraries and the State Library. The first section presents legal developments in California from 1974 to 1976 which are of interest to librarians. Laws and regulations are presented under these headings: State Library, Board of Library Examiners, County Free Libraries, County Law Libraries, Municipal Libraries, Library Districts, Library Districts in Unincorporated Towns and Villages, Unified School District Public Libraries, Public Library Services, Property Valuations for Allocation of Money to School Districts, and Administrative Code Citations Relating to Grants of State Funds to Libraries, and Miscellaneous Provisions. Miscellaneous Provisions include such topics as Community Recreation Legislation, Foundations for Institutions of Arts and Sciences, and Offenses Against Libraries. A list of California Court decisions and Attorney Generals' opinions relative to libraries, a cross-reference table, and an index to articles in the codes are provided. (Author/JAB)

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Selections from the California Administrative Code, Education Code, Government Code, and others, relating to public libraries, county law libraries and the State Library

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A selection from the California State Codes,
published irregularly.

Edited by Cy H. Silver, Chief, Library Development Services Bureau,
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Note:

The Education Code was recompiled in 1976, with an effective date of April 1, 1977, (Chapters 1010 and 1011 of 1976). *California Library Laws 1977* uses throughout the new section numbering in the Education Code of 1976. For convenience, a table is published at the end to convert citations from the Education Code of 1959 to the Education Code of 1976. All Education Code references in this publication have been made to conform to the new Code, even if the source document itself has not yet been changed, (e.g., some Administrative Code references).

Contents of this publication include legislation in effect as of January 1, 1977. Legislation enacted in 1976 that was not included in Chapters 1010 and 1011 is also included, using new section numbers provided by the first Education Code "clean-up" bill, (Chapter 36 of the Statutes of 1977, effective April 29, 1977).

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"Each child is a unique person, with unique needs, and the purpose of the educational system of this state is to enable each child to develop all of his or her own potential." (Education Code section 27 (1976))

22 12 5 300

1974–1976 California legal developments of interest to libraries

STATE PROGRAMS

Responsiblity in the Library Distribution Act for issuance of the *California State Publications* list was transferred in 1976 from the State Printer to the State Library.

PUBLIC LIBRARIES IN GENERAL

Freedom to use the library's own funds in purchasing instructional materials for schools was broadened to include all public libraries, not just county libraries, under 1976 amendments to Educ. Code sec. 60101 (former sec. 9322).

All public libraries and their branches are to receive two copies of the state ballot pamphlet as soon as it is available, under Elections Code sec. 3579 (1976).

Real estate developers may be required to reserve land for libraries or other public uses, under 1974 changes creating Bus. and Prof. Code sec. 66479.

Volunteer workers in libraries can be covered under workers' compensation insurance if the library's governing body so decides (Labor Code sec. 3363.5).

It is not necessary to wait for the normal overdue procedures before instituting misdemeanor proceedings under Educ. Code sec. 28802 (now sec. 19911), if charges are instead being brought under grand theft statutes using evidence showing intent not to return the library materials. (People v. Cohen, 59 CA 3d 241)

COUNTY LIBRARIES

The ability of county libraries to use General Revenue Sharing funds was affirmed in 1974 by what is now Educ. Code sec. 19171.

County libraries using special taxing zones generally must not exceed a total of 30 cents for the countywide library tax levy and the special taxing zone levy combined, in 1974 clarifying legislation now in Educ. Code sec. 19173.

Grand juries are to examine county librarians' accounts and records, and investigate and report on the needs of the county library, at least once every four years, under 1976 amendments to Penal Code secs. 925 and 928.

Formation of county historical commissions including the county librarian is encouraged under Govt. Code sec. 12232 (1974). State advisory and coordinating functions are provided by the State Library and the California Heritage Preservation Commission.

MUNICIPAL LIBRARIES

City library trustees may be compensated up to $50 per month, under 1974 amendments to what is now Educ. Code sec. 18911.

24 12 5 290

LIBRARY DISTRICTS AND JOINT POWERS AGENCIES

Special districts, and certain joint powers agencies and other local agencies that deposit their funds in the county treasury but do not have specific statutory authorization for a revolving petty cash fund, may establish such a fund not to exceed $1,000, under the 1976 addition of Govt. Code sec. 53950 et seq.

Employees of certain joint powers agencies can be eligible for county fringe benefits, under Govt. Code sec. 53200.5 (1976).

Election procedures for trustees of Library Districts and of Library Districts in Unincorporated Towns and Villages were brought more into conformity with the Uniform District Election Law, under various 1974 and 1976 legislation.

The only tax levy specifically earmarked for libraries that may be made upon a school district assessed valuation as such is that for school district public libraries organized under Educ. Code secs. 28001 (now sec. 18300) et seq. (Of course, school districts may budget for the school library fund in their general levy request. 57 Ops AG 447.)

SPECIAL CLIENT GROUPS

Jail standards for library service in Admin. Code Title 15, sec. 1152, were amended to specify that the service shall include both legal reference materials and current information on community services and resources.

American Indian Education Centers established by 1974 legislation are to include libraries and other related educational material, as part of the Centers' role as resource centers for their communities. (Educ. Code sec. 33381 (l))

Importance of libraries to law students is reinforced in 1976 legislation (Ch. 1031) that requires unaccredited law schools to disclose to prospective students the number of volumes in the library.

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STATE LIBRARY

General Provisions

(Educ. Code, Secs. 19300–19334)

ARTICLE 1. DIVISION OF LIBRARIES IN DEPARTMENT OF EDUCATION

19300. Legislative declaration. The Legislature hereby declares that it is in the interest of the people and of the state that there be a general diffusion of knowledge and intelligence through the establishment and operation of public libraries. Such diffusion is a matter of general concern inasmuch as it is the duty of the state to provide encouragement to the voluntary lifelong learning of the people of the state.

The Legislature further declares that the public library is a supplement to the formal system of free public education, and a source of information and inspiration to persons of all ages, and a resource for continuing education and reeducation beyond the years of formal education, and as such deserves adequate financial support from government at all levels.

19301. Division of libraries. There is in the Department of Education the Division of Libraries.

19302. State Librarian. The division shall be in charge of a chief who shall be a technically trained librarian and shall be known as the "State Librarian."

19303. Appointment. The State Librarian shall be appointed by and hold office at the pleasure of the Governor, subject to confirmation by the Senate.

19304. Duties. The State Librarian shall administer the State Library in accordance with law and such regulations as may be adopted by the State Board of Education, which board shall determine all policies for the conduct of the State Library.

19305. Hours. The State Librarian shall be in attendance at the library during office hours.

19306. Assistant. The State Librarian may appoint an assistant who shall be a civil executive officer.

ARTICLE 2. POWERS AND DUTIES

19320. Department of Education duties. The Department of Education may:

(a) Make rules and regulations, not inconsistent with law, for its government and for the government of the State Library.

(b) Authorize the librarian to appoint such other assistants as are necessary.

(c) Sell or exchange duplicate copies of books.

(d) Keep in order and repair the books and property in the library.

(e) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.

28 12 3 100

(f) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other libraries within the state applying for the information.

(g) Establish, in its discretion, deposit stations in various parts of the state, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use. Books and other library materials from public libraries of the state may be accepted for deposit, under agreements entered into by the State Librarian and the public libraries concerned, whereby materials which should be preserved but are rarely used in the region may be stored and made available for use under the same conditions that apply to materials in the State Library.

(h) Collect, preserve, and disseminate information regarding the history of the state.

(i) Serve as regional library for the blind, in cooperation with the Library of Congress.

(j) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities, and assist all other authorities, state and local, in assuming their full responsibility for library services.

(k) Serve as the central reference and research library for the departments of state government and maintain adequate legislative reference and research library services for the Legislature.

(*l*) Acquire, organize and supply books and other library informational and reference materials to supplement the collections of other public libraries of the state with the more technical, scientific and scholarly works, to the end that through an established interlibrary loan system, the people of the state shall have access to the full range of reference and informational materials.

(m) Make studies and surveys of public library needs and adopt rules and regulations for the allocation of federal funds to public libraries.

(n) Contract, at its discretion, with other public libraries in the state to give public services of the types referred to in subdivisions (g) and (*l*) of this section, when service by contract appears to be a needed supplement to the facilities and services carried on directly by the State Library.

19321. Same. The Department of Education shall also:

(a) Purchase books, maps, engravings, paintings, and furniture for the library.

(b) Number and stamp all books and maps belonging to the library, and keep a catalog thereof.

(c) Have bound all books and papers that require binding.

(d) Keep a register of all books and property added to the library, and of the cost thereof.

(e) Keep a register of all books taken from the library.

12130. Federal aid to public libraries. The State Department of Education is hereby named and designated as the proper state agency to accept, receive and administer any and all funds, moneys or library materials, granted, furnished, provided, appropriated, dedicated or made

available by the United States or any of its departments, commissions, boards, bureaus or agencies for the purpose of giving aid to public libraries in the State of California.

19322. Powers. The Department of Education may:

(a) Contract with counties, cities, or districts within this state, agencies of the state, and agencies of the United States government for the purpose of providing library services.

(b) Establish and operate library service centers.

19323. Tape recordings to blind persons. The State Librarian shall make available on a loan basis to legally blind persons, or to persons who are visually or physically handicapped to such an extent that they are unable to read conventional printed materials, in the state tape recordings of books and other related materials. The tape recordings shall be selected by the State Library on the same basis as the State Library's general program for providing library materials to legally blind readers.

19324. Duplication of braille masters. The State Librarian may duplicate any braille book master, other than textbook masters, presented by any legally blind person directly to the State Librarian for duplication. The State Librarian may duplicate any braille book master, other than textbook masters, presented by any other person or agency directly to the State Librarian for duplication.

ARTICLE 3. BOOKS

19330. Withdrawal from library. Books may be taken from the library by the Members of the Legislature and by other state officers at any time.

19331. Failure to return. The Controller, when notified by the Department of Education that any officer or employee of the state for whom he draws a warrant for salary has failed to return any book taken by him, or for which he has given an order, within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value of the book, shall, after first informing the officer or employee of the notice, upon failure by him to return the book, deduct from the warrant for the salary of the officer or employee, twice the value of the book, and place the amount deducted in the General Fund.

19332. Purchase of duplicate. In case of the neglect or refusal on the part of any officer or employee of the state to return a book for which he has given an order or a receipt or has in his possession, the Department of Education may purchase for the library a duplicate of the book, and notify the Controller of the purchase, together with the cost of the book. Upon the receipt of the notice from the department, the Controller shall deduct twice the cost of the duplicate book from the warrant for the salary of the officer or employee, and place the amount deducted in the General Fund.

19333. Legal actions. The Department of Education may bring suit in its official capacity for the recovery of any book, or for three times the value thereof, together with costs of suit, against any person who has the book in his possession or who is responsible therefor. If the department has

33 12 3 125

purchased a duplicate of any book, it may bring suit for three times the amount expended for the duplicate, together with costs of suit.

19334. Liability of borrower. Every person who injures or fails to return any book taken is liable in three times its value.

SUTRO LIBRARY

(Stats. 1915:822, Ch. 492)

Sec. 1. Acceptance of Sutro Library by State Library. The action of the trustees of the State Library in accepting as a gift from the heirs of the late Adolph Sutro, on behalf of the State of California the collection of rare books and manuscripts gathered by the said Adolph Sutro is hereby approved and validated.

Sec. 2. Establishment of San Francisco branch. The establishment by the trustees of the State Library of a branch of the State Library in the City and County of San Francisco, to be known as the "Sutro Library," in which branch the said collection of rare books and manuscripts shall, in accordance with the terms of the gift, be maintained is hereby approved and validated.

BOARD OF LIBRARY EXAMINERS

(Educ. Code Secs. 18000–18001)

18000. How constituted. There is in the state government a commission known as the Board of Library Examiners, consisting of the State Librarian, who is ex officio chairman of the board, the President of the California Library Association, the librarian of the Public Library of the City and County of San Francisco, and the librarian of the Los Angeles Public Library. The members of the board shall receive no compensation for their services, except their actual and necessary traveling expenses, to be paid out of the moneys appropriated for the support of the Division of Libraries.

18001. Duties. The board shall pass upon the qualifications of all persons desiring to become county librarians, maintain a register of all librarians who meet the qualifications prescribed by the board, and maintain a register of qualified library assistants. The board may, in writing, adopt rules and regulations not inconsistent with law for its own government, and for carrying out the purposes of this chapter.

REGISTER OF LIBRARIANS

(Educ. Code, Sec. 18001 supra;
Admin. Code, Title 5, Secs. 21000–21005)

21000. Register of librarians. There is hereby established a register of librarians. It shall consist of all persons who will have met the qualifications for such registration, as established by the Board of Library Examiners.

21001. Qualifications for registered librarian. A registered librarian shall meet and furnish evidence of the following qualifications in section 21001 (a), (b) and (c):

(a) Have graduated from a four-year school of collegiate level and hold a bachelor's degree.

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(b) Have fulfilled one of the following requirements:
(1) Graduation from a graduate library school program accredited by the American Library Association;
or
(2) Hold a graduate degree in library science and have completed a program of at least twenty-four (24) graduate units in library science;
or
(3) Have the equivalent of section 21001 (b) (2);
or
(4) Have completed at least one year of graduate study and hold a California credential based on professional preparation in librarianship authorizing service in the public schools as librarian;
or
(5) Have the equivalent of section 21001 (b) (4)
(c) Have furnished evidence of identity.

21002. Secretary to administer. The Secretary of the Board of Library Examiners shall administer and maintain the Register of Librarians and prescribe the form of application for registration, the form of evidence of registration, and the form of the Register of Librarians.

21003. Title of registered librarian. Only a person enrolled on the Register of Librarians may be known as a registered librarian.

21004. Expiration. Registration as librarian shall expire (a) five (5) years after registration or (b) at death, whichever first occurs.

21005. Renewal. Registration may be renewed on expiration upon application; provided, however, the power to amend, revoke, or repeal the provisions of sections 21000 through 21005 hereof is hereby reserved.

COUNTY FREE LIBRARIES

(Educ. Code, Secs. 19100–19180)

ARTICLE 1. ESTABLISHMENT

19100. County free libraries. The boards of supervisors of the several counties may establish and maintain, within their respective counties, county free libraries pursuant to this chapter.

19101. Establishment. The board of supervisors of any county may establish at the county seat or elsewhere in the county, a county free library for that part of the county lying outside of cities maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of the county as may elect to become a part of, or to participate in, the county free library system as provided in this chapter.

19102. Notice. At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by it and published in the county, notice of the contemplated action, giving the date of the meeting at which the action is proposed to be taken.

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19103. Participation of city and library district libraries. After the establishment of a county free library, the board of trustees, common council, or other legislative body of any city in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the board of supervisors that the city or library district desires to become a part of the county free library system. Thereafter the city or library district shall be a part of the system and its inhabitants shall be entitled to the benefits of the county free library, and the property within the city or library district shall be liable to taxes levied for county free library purposes.

19104. Withdrawal. The board of trustees, common council, or other legislative body of any city or the board of trustees of any library district may on or before January 1st of any year, notify the board of supervisors that the city or library district no longer desires to be a part of the county free library system. The notice shall be accompanied by a statement complying with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. The clerk of the board of supervisors shall file the statement with the county assessor and the State Board of Equalization. Thereafter the city or library district shall cease to participate in the benefits of the county free library, and the property situated in the city or library district shall not be liable to taxes for county free library purposes.

19105. Effective date of withdrawal. If the notice is given after January 1st of any year, the property situated in the city or library district shall be liable to taxes for county free library purposes during the immediately succeeding year, and the notice shall not be effective until the next succeeding year, and library service shall be rendered in the city or library district during the year for which taxes are levied for library purposes in the city or library district.

19106. Notice. Before any board of trustees, common council, or other legislative body of any city, or the board of trustees of any library district gives notice that the city or library district desires to become a part of the county free library system, or gives notice of withdrawal from the system, the board of trustees, common council, or other legislative body of the city or the board of trustees of the library district shall publish at least once a week for two successive weeks prior to the giving of either notice, in a newspaper designated by the board of trustees, common council, or other legislative body of the city or the board of library trustees of the library district, and circulating throughout the city or library district, notice of the contemplated action, giving the date and the place of the meeting at which the contemplated action is proposed to be taken.

19107. Contracts with cities. The board of supervisors of any county in which a county free library has been established may enter into contracts with any city maintaining a free public library, and any such city, through its board of trustees or other legislative body, may enter into contracts with the county to secure to the residents of the city the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of the city, or such privileges as are agreed

42 12 3 170

upon in the contract, upon such consideration named in the contract as is agreed upon, to be paid into the county free library fund. Thereupon the residents of the city shall have the same privileges with regard to the county free library as the residents of the county outside of the city, or such privileges as are agreed upon by the contract.

19108. Contracts with other counties. The board of supervisors of any county in which a county free library has been established may enter into a contract with the board of supervisors of any other county to secure to the residents of the other county such privileges of the county free library as are agreed upon by the contract and upon such considerations as are agreed upon in the contract to be paid into the county free library fund. Thereupon the inhabitants of the other county shall have such privileges of the county free library as are agreed upon by the contract.

19109. Library tax. The board of supervisors of any county may enter into a contract with the board of supervisors of another county in which a county free library has been established, and may levy a library tax, for the purpose of carrying out the contract.

19110. County librarian. The board of supervisors of any county may contract with the board of supervisors of any other county or two or more other counties to provide for the services of a single qualified librarian to serve simultaneously as the county librarian of each county.

When so appointed the county librarian shall be required to establish a residence in but one of the counties in which he is appointed.

19111. Termination of contract. The making of the contract shall not bar the board of supervisors of the county during the continuance of the contract from establishing a county free library under the provisions of this chapter if none is already established. Upon the establishment of any county free library, the contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

19112. Contract with city library. Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees or other authority in charge of the free public library of any city and the board of library trustees, or other authority in charge of the free public library, may make such a contract. The contract may provide that the free public library of the city shall assume the functions of a county free library within the county with which the contract is made, including cities in the county. The board of supervisors may agree to pay annually into the library fund of the city such sum as may be agreed upon. Either party to the contract may terminate the contract by giving six months' notice of intention to do so.

19113. Disestablishment. After a county free library has been established, it may be disestablished in the same manner as it was established. At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by them, and published in the county, notice of the contemplated action, giving therein the date of the meeting at which the contemplated action is proposed to be taken.

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19114. Annexation of territory. Whenever any of the territory being served by a county free library is annexed to, or otherwise included within, any municipal corporation not served by the county free library, the board of supervisors of the county shall order the county free library to continue to serve the territory annexed to, or otherwise included within the municipality, until the end of the fiscal year or years for which a tax has been levied upon the property of the annexed territory for the support of the county free library.

19115. Non-resident fee. The board of supervisors may establish a reasonable fee to be collected from persons who desire to participate in the services and benefits of the county free library and who are not residents of the territory in the county which is liable for taxes for county free library purposes. In establishing the fee, the board may also prescribe such regulations or limitations applicable to the use of the county free library by such persons as may reasonably be necessary.

ARTICLE 2. COUNTY LIBRARIAN

19140. County librarian. Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian.

19141. Civil service benefits. If any county adopts a civil service system or a limited civil service system for county officers and employees, the county librarian shall be entitled to the benefits of such civil service system.

This section does not limit any powers conferred on any county by charter.

19142. Certificate. No person is eligible to the office of county librarian unless prior to his appointment, he has received from the board of library examiners a certificate of qualification for the office.

19143. Residence. At the time of his appointment, the county librarian need not be a resident of the county nor a citizen of the State of California.

19144. Sex. Persons of either sex are eligible to certification for the office of county librarian.

19145. Oath and bond. The county librarian shall, prior to entering upon his duties, file the usual oath, and he shall be required to file an official bond in an amount determined by the board of supervisors, unless he is covered by a master bond pursuant to Section 1481 of the Government Code.

19146. Duties. The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased.

19147. Payment of salary. The salary of the county librarians shall be paid by each of the counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

46 12 3 190

19148. Source of salary. The board of supervisors of a county over 400,000 population, as determined by the 1960 decennial census, maintaining a county free library may provide that the salary of the county librarian be paid from the same fund used for maintaining and operating the county free library.

Nothing in this section shall be construed as modifying the status of the county librarian as a county official pursuant to Section 24000 of the Government Code.

19149. Traveling expenses. The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office.

19150. Qualification certificate. Except when the county librarian is temporarily absent, no person shall serve in the position of county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person has received from the Board of Library Examiners a certificate of qualification for the position of county librarian.

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the Board of Library Examiners to appoint an unqualified person to the position. This written permission may be granted by the library examiners for a period of time up to but not exceeding one year. The examiners may from time to time in their discretion renew the permit.

The provisions of this section shall not apply to the present appointment or reappointment of any person serving on September 11, 1957, in any position which is in lieu of the position of county librarian.

ARTICLE 3. GOVERNMENT

19160. Duties of board of supervisors. The county free library is under the general supervision of the board of supervisors, which may:

(a) Make general rules and regulations regarding the policy of the county free library.

(b) Establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate the branches and stations in cities wherever deemed advisable.

(c) Determine the number and kind of employees of the library.

(d) Appoint and dismiss the employees upon the recommendation of the county librarian.

19161. Removal of employees. No employee shall be removed except for cause.

19162. Reinstatement. If any removal is made upon the ground that the services of the employee are no longer required, the removed employee shall have the first right to be restored to the employment when his services are again required.

19163. Employment for definite term. The board of supervisors may, at the time of appointing any employee, and upon the recommendation of the county librarian, enter into an agreement that the employee is employed for a definite time only.

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19164. Grades of employees. All employees of the county free library whose duties require special training in library work shall be graded in grades established by the county librarian, with the advice and approval of the State Librarian, according to the duties required of them, experience in library work and other qualifications for the service required.

19165. Examinations. Before appointment to a position in the graded service, the candidate shall pass an examination appropriate to the position sought, satisfactory to the county librarian, and show a satisfactory experience in library work. Work in approved library schools or libraries, or certificates issued by the Board of Library Examiners, may be accepted by the county librarian in lieu of such examination.

19166. Apprentices. The county librarian may accept as apprentices, without compensation, candidates possessing personal qualifications satisfactory to him and may dismiss them at any time if in his judgment their work is not satisfactory to him.

19167. Supervision by State Librarian. The county free libraries are under the general supervision of the State Librarian, who shall from time to time, either personally or by one of his assistants, visit the county free libraries and inquire into their condition. The actual and necessary expenses of the visits shall be paid out of the moneys appropriated for the support of the Division of Libraries.

19168. Annual convention. The State Librarian shall annually call a convention of county librarians, to assemble at such time and place as he deems most convenient, for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as are properly brought before it. All county librarians shall attend and take part in the proceedings of the convention. The actual and necessary expenses of the county librarians attending the convention shall be paid out of the county free library fund.

19169. Annual report. The county librarian shall, on or before August 31st, in each year, report to the board of supervisors and to the State Librarian on the condition of the county free library, for the year ending June 30th preceding. The reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

19170. Tax. The board of supervisors, after a county free library has been established, shall annually levy, in the same manner and at the same time as other county taxes are levied, and in addition to all other taxes, a tax not to exceed three mills ($0.003) on the dollar ($1) of assessed valuation upon all property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries, and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose

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of purchasing property for, establishing, and maintaining the county free library.

19171. Assistance act. The county board of supervisors of any county may in its discretion allocate and appropriate any funds received by the county under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the purpose of establishing, maintaining, and purchasing property for the county free library.

19172. Tax for site and buildings. In counties wherein a union high school library district, maintaining a district free public library was established prior to June 30, 1912, and such district has not elected to become a part of the county free library system, the board of supervisors may levy a tax in such an amount as may be necessary upon all the property in the county outside of cities maintaining free public libraries, union high school library districts maintaining district free public libraries and outside of library districts maintaining district libraries, and upon all property within cities and library districts, which have elected to become a part of any county free library system, for the purpose of acquiring sites for, and constructing, leasing, building, rebuilding, furnishing, refurnishing, or repairing county free library buildings. In all other counties, county bonds may be issued, in the manner prescribed in Article 1 (commencing with Section 29900) of Chapter 6 of Division 3 of Title 3 of the Government Code, for the erection and equipment of county free library buildings and the purchase of land therefor.

19173. Special taxing zones. The board of supervisors may create special taxing zones within the territory of the county subject to taxation for county free library purposes for the purpose of levying special taxes within the zones when it is found by the board that the territory within the zones require special services or special facilities in addition to those provided generally by the county free library system and that the special tax levy is commensurate with the special benefits to be provided in the zones.

Taxes levied pursuant to this section, together with taxes levied pursuant to Section 19170, shall not exceed the higher of the limit provided by Section 19170 or the applicable provisions of Section 2263 of the Revenue and Taxation Code.

19174. Gifts. The board of supervisors may receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision of the library.

19175. Title to library property. The title to all property belonging to the county free library is vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the taxes provided in Sections 19170 and 19172. All moneys of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer.

19176. Claims. Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county by his assistant. It shall then be acted upon in the same manner as other claims against the county.

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19177. Contracts with county law libraries. In any county of this state where a law library exists under the provisions of Chapter 5 (commencing with Section 6300) of Division 3 of the Business and Professions Code, the board of supervisors of the county may enter into contracts, or agreements with the board of law library trustees of the law library for the cooperation of the law library and the county free library, and, in that connection, may contract or agree with the board of law library trustees of the law library that the county librarian and other employees of the county free library perform the duties required to be done or performed by the officers and employees of the law library for a compensation to be named in the contract or agreement, and to be paid into the county free library fund.

19178. School and teachers' libraries. The board of supervisors may accept on behalf of the county free library, all books and other property of school libraries and of the teachers' library, and may manage and maintain them as a part of the county free library.

19179. Continued existence. Any county library which was established and existed on April 26, 1911, under the provisions of an act entitled "An act to provide county library systems," approved April 12, 1909, is continued under the provisions of this chapter and shall be considered the same as if established under the provisions of this chapter. If a contract has been entered into between any county board of supervisors and any city pursuant to this article, the contract shall continue in force, and the provisions of Section 19112 shall be applicable thereto, until the establishment and equipment of a county free library under the provisions of this chapter, unless sooner terminated.

19180. Construction and repair of buildings. The board of supervisors of any county in which there has been established a county free library which does not serve the entire county may, on behalf of the county free library, construct, build, repair or refurnish buildings to be used for county free library purposes, payment for which may be made from the general fund of the county. If payment is made from the county's general fund, the county auditor shall each fiscal year thereafter transfer from the county free library fund to the county's general fund as a prior claim against the county free library fund for as many years as are determined by the board of supervisors but not to exceed 20, an equal annual installment in such amount that over the designated period of years the entire payment from the county's general fund will be completely repaid. Payment of the costs of the construction of a county free library building may also be made from the employees retirement fund of a retirement system established under the authority of the County Employees Retirement Law of 1937 as an investment of that fund and under the conditions specified in that law.

Alternative Method of Maintenance

(Gov. Code, Secs. 25351, 25358, 25450, 25450.4, 25450.41, 25457–25457.4, 26150)

25351. Construction and repair of buildings. The board may construct, lease, build, rebuild, furnish, refurnish, or repair buildings for a hospital, almshouse, courthouse, jail, historical museum, aquarium, library, art gallery, art institute, exposition building for exhibiting and advertising

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farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, coliseum, sports arena, or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles and other public meetings, and such other public buildings as are necessary to carry out the work of the county government. Library buildings shall be constructed, built, repaired or refurnished only from taxes levied upon property which is a part of the county free library system as defined in Chapters 1 and 6 of Part 11 of Title 1 of the Education Code.

25358. Maintenance of buildings. The board shall provide all necessary officers, employees, attendants, services and supplies for the proper maintenance, care and upkeep of the county buildings and grounds; and, the board may contract therefor pursuant to Section 25450 and following.

25450. When construction exceeds $4,000. Whenever the estimated cost of construction of any wharf, chute, or other shipping facility, or of any hospital, almshouse, courthouse, jail, historical museum, aquarium, county free library building, branch library building, art gallery, art institute, exposition building, stadium, coliseum, sports arena or sports pavilion or other building for holding spectacles and other public meetings, or other public building or the cost of any repairs thereto exceeds the sum of four thousand dollars ($4,000), inclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457, the work shall be done by contract. Any such contract not let pursuant to this article is void.

25450.4. Construction less than $6,500. In counties containing a population of 500,000 or over, the work referred to in Section 25450 need not be done by contract if the estimated cost thereof is less than six thousand five hundred dollars ($6,500), exclusive of the estimated cost of materials or supplies to be furnished pursuant to Section 25457.4.

25450.41. Construction less than $50,000. In counties containing a population of 2,000,000 or over, the provisions of Sections 25450 and 25450.4 do not apply to alteration or repair work upon county-owned buildings, if the cost of such work is under fifty thousand dollars ($50,000), and if before the work is authorized the board of supervisors determines that detailed plans for the existing building are obsolete or do not exist and that because of the age or condition of the building it is impracticable to have detailed plans and specifications prepared for the proposed work.

25457. Purchases by purchasing agents. In counties employing a purchasing agent, furnishings, materials, supplies and employment of independent contractors used in the construction or repair of any of the works mentioned in Section 25450 costing not more than four thousand dollars ($4,000) in total may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, and the other things required by this article and said Article 7 for purchases or contracts costing more than four thousand dollars ($4,000).

25457.1. Purchases by county administrative officer. The board of supervisors of any county may delegate to the county administrative officer or the county executive officer in an equivalent position, the power

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to enter into and execute on behalf of the county any contracts, which do not involve the expenditure of more than two thousand five hundred dollars ($2,500), which relate to purposes previously approved and budgeted by the board of supervisors, subject to ratification of such approval and execution by the board of supervisors. This section shall not apply to

(a) Matters within the purview of Section 25457;

(b) Contracts for the construction of public improvements;

(c) Contracts which must be awarded after public notice and competitive bidding.

25457.4. Purchases by purchasing agents—counties of 500,000 or more population. In counties containing a population of 500,000 or more and employing a purchasing agent, furnishings, materials and supplies to be used in the construction or repair of any of the works mentioned in Section 25450 and estimated as costing not more than three thousand five hundred dollars ($3,500) may be purchased by the purchasing agent in accordance with Article 7 of this chapter without the formality of obtaining bids, letting contracts, preparing specifications, or the other things required by this article, and the estimated cost thereof shall not be considered or included in the estimaste of the cost of construction for the purposes of Section 25450 and 25450.4.

26150. Acquisition, furnishing, etc. County free libraries may be constructed, leased, built, rebuilt, furnished, refurnished, or repaired pursuant to the Education Code, or pursuant to this part; provided that, in counties wherein a union high school library district maintaining a district free public library was established prior to June 30, 1912, county free libraries shall be constructed, leased, built, rebuilt, furnished, refurnished or repaired pursuant to Section 22174 of the Education Code until such time as the union high school library district elects to become a part of the county free library system.

County Officers

(Gov. Code, Secs. 24000-01, 25300, 25304)

24000. County officers. The officers of a county are:

* * * * * * *

(r) A county librarian.

* * * * * * *

24001. Eligibility for county office. Except as otherwise provided in Sections 27550.1 and 27641.1 of this code or in this section, a person is not eligible to a county or district office, unless at the time of his election or appointment he is of the age of 18 years or over, a citizen of the State, and an elector of the county or district in which the duties of the office are to be exercised.

* * * * * * *

25300. Regulation of compensation. The board of supervisors shall regulate the compensation of all county officers, other than the board of supervisors, the district attorney, and the auditor, and the number, method of appointment, terms of office or employment, and compensation of all deputies, assistants, and employees of the county.

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25304. Filling of Vacancies. The board of supervisors shall fill by appointment all vacancies that occur in any office filled by the appointment of the board and elective county officers, except judge of the superior court and supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election.

COUNTY LIBRARIAN'S CERTIFICATE

(Admin. Code, Title 5, Secs. 21050–21054)

21050. Examination for certificate for county librarian. The Board of Library Examiners shall from time to time prescribe examinations for the qualification of persons under Section 18001 of the Education Code as county librarians and shall issue a certificate therefor.

21051. Application and certificate. The Secretary of the Board shall prescribe the form of said application and of said certificate and shall administer such examinations.

21052. Qualification for county librarian's certificate. A candidate for the county librarian's certificate shall meet the following qualifications in Section 21052 (a), (b), (c), (d), (e), and (f):

(a) Have graduated from a four-year school of collegiate level and hold a bachelor's degree.

(b) Have fulfilled one of the following requirements:

(1) Graduation from a graduate library school program accredited by the American Library Association;

or

(2) Have completed a program of at least twenty-four (24) graduate units in library science;

or

(3) Have the equivalent of Section 21052 (b) (2).

(c) Have completed three full years of acceptable experience in library work of a professional nature, at least one year of which experience must have been of an administrative character.

(d) Have passed the prescribed written examination for said certificate.

(e) Have passed the prescribed oral examination.

(f) Must otherwise not be unable to qualify for the office of county librarian.

21053. Expiration. A county librarian's certificate shall expire (1) five (5) years after issuance or (2) at death, whichever first occurs.

21054. Renewal. A county librarian's certificate may be renewed after expiration upon application and showing of satisfactory experience as a county librarian in the State of California at the time of expiration and within one year of expiration; provided, however, that the power is reserved to amend, revoke, or repeal the provisions of Sections 21050 through 21054 hereof.

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SERVICE AT COUNTY INSTITUTIONS

(Gov. Code, Sec. 26151; Admin. Code, Title 15, Secs. 1152, 1154)

26151. Service at county institutions. The board of supervisors may provide library service at charitable, detention, and penal institutions of the county under its supervision and control, and may also provide to officers and employees of county departments such library service as is required in the performance of their duties. Such service shall be rendered through the county free library and the cost is a charge upon the county payable out of the general fund.

1152. Jail library service. The facility administrator or the facility manager shall develop and implement a library service in all Type II* and Type III* facilities. Service shall provide access to legal reference materials and to current information on community services and resources. Such a service may be established in conjunction with the local county or city library and the scope of such service shall be determined by the facility administrator or facility manager.

1154. Books, newspapers and periodicals in jails. The facility administrator/manager of a Type II* or Type III* facility shall establish rules which will permit inmates to purchase, receive and read any book, newspaper or periodical accepted for distribution by the United States Post Office. Nothing herein shall be construed as limiting the right of a facility administrator to:

(a) Exclude obscene publications or writings, and mail containing information concerning where, how, or from whom such matter may be obtained; and any matter of a character tending to incite murder, arson, riot, violent racism, or any other form of violence; and any matter concerning gambling or a lottery.

COUNTY BUDGET AND TAX LEVY

(Gov. Code, Secs. 29000–29143)

COUNTY SERVICE AREA LAW

(Gov. Code, Secs. 25210.1–25216)

COMMUNITY SERVICES DISTRICT ACT

(Gov. Code, Secs. 61000–61936)

COUNTY LAW LIBRARIES

General Provisions

(Bus. and Prof. Code, Secs. 6300–6363)

ARTICLE 1. BOARDS OF LAW LIBRARY TRUSTEES

6300. Boards of trustees. There is in each county of the state a board of law library trustees, which governs the law library established for the county under the provisions of this chapter.

* Types II and III facilities include all jails, except those usually used only for pre-arraignment detention, (i.e., not more than 48 hours excluding holidays and weekends after booking).

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6301. How constituted. A board of law library trustees is constituted as follows:

(a) In a county where there are no more than three judges of the superior court, each of such judges is ex officio a trustee; in a county where there are more than three judges of the superior court, the judges of the court shall elect three of their number to serve as trustees. However, where there are no more than three judges of the superior court, the judges may at their option select only one of their number to serve as a trustee, and in such event they shall appoint two additional trustees who are members of the bar of the county.

Any judge who is an ex officio or elected member may at his option designate a member of the bar of the county to act for him as trustee.

(b) In a county in which one or more municipal courts have been established, the judges of such court or courts shall elect one of their number to serve as trustee. In a county in which three or more municipal courts have been established, the judges of such courts may elect two of their number to serve as trustees.

(c) The chairman of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chairman may appoint a member of the bar of the county or any other member of the board of supervisors of the county to serve as trustee in place of said chairman. The appointment of the person selected in lieu of the chairman of the board of supervisors shall expire when a new chairman of the board of supervisors is selected, and such appointment shall not be subject to the provisions of Section 6302.

(d) The board of supervisors shall appoint as many additional trustees, who are members of the bar of the county, as may be necessary to constitute a board of five members in any county in which a municipal court has not been established, or of six members in any county where the municipal courts have elected one member, or of seven members in any county where the municipal courts have elected two members to serve as trustees.

6301.5. How constituted. In any county in which a municipal court has not been established and in which there is no county bar association, if the board of supervisors determines that there is not a sufficient number of members of the State Bar residing, and with their principal places of office for the practice of law, in the county eligible for appointment to the board of library trustees by the board of supervisors pursuant to subdivision (d) of Section 6301 for the constitution of a five-member board of library trustees, the board of library trustees may consist of not less than three members.

6302. Appointment of trustees. Appointments of trustees which are to be made by the board of supervisors of the county shall be made at the first meeting of the board of supervisors after the establishment of a law library in the county, the appointees to serve until the first meeting of the board of supervisors in the succeeding January. The board shall, at any such meeting in each succeeding January, appoint such trustees to serve for the term of one year.

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6303. Compensation. The office of trustee is honorary, without salary or other compensation.

6304. Meetings. Each board of law library trustees shall meet regularly each month on such day as it shall appoint, but if it appoint no day, it shall meet on the first Tuesday after the first Saturday of each month, and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. The president of the board may call a special meeting at any time for the transaction of necessary business. A majority of the members constitutes a quorum for business, and an affirmative vote of a majority of the members is required to exercise the powers of the board.

6305. Removal. A board of law library trustees may remove any trustee, except an ex officio trustee, who neglects to attend or who absents himself from the meetings of the board, and may fill all vacancies that from any cause occur in the board.

6306. President. Each board shall appoint one of its number as president.

6307. Secretary. Each board shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and shall keep a record and full minutes in writing, with the ayes and noes at length, of all proceedings of the board. The secretary may certify to such proceedings, or any part thereof, under his hand, verified by an official seal adopted and provided by the board for that purpose.

ARTICLE 2. LAW LIBRARY FUNDS

6320. Collections. All money collected for the law library in each county, must be deposited with the treasurer of the county, who must keep the same separate and apart in a trust fund or trust account to be disbursed by the board of law library trustees. Money may be disbursed only as in this chapter provided, and only for the purposes herein authorized.

Whenever a law library and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this state, money so collected shall be paid into the hands of those, and in the manner, provided by such law.

6321. Filing fee. On the commencement in, or the removal to, the superior court of any county in this state, of any civil action, proceeding, or appeal and on the commencement in, or removal to, the municipal court or justice court in any county, of any civil action or proceeding, the party instituting such proceeding, or filing the first papers, shall pay to the clerk of the court, for the law library, on filing the first papers, the sum of one dollar ($1) as costs, in addition to the fees fixed by law.

6322. First appearance fee. Thereafter, any defendant, respondent, adverse party, or intervening party, on his first appearance in a superior or municipal court, or any number of such defendants, respondents, or parties, appearing jointly, shall pay to the clerk of the court, for the law

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library, the sum of one dollar ($1) as costs, in addition to the fees fixed by law.

6322.1. Exceptions. (a) Except in counties containing a population of 4,000,000 and over, the board of supervisors of any county may increase the costs provided in Sections 6321 and 6322 to not more than seven dollars ($7) for each event there described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(b) In counties containing a population of 4,000,000 and over, the board of law library trustees may increase the costs provided in Section 6321 and 6322 to not more than five dollars ($5) for each event therein described whenever it shall determine that the increase is necessary to defray the expenses of the law library.

(c) Notwithstanding the provisions of any other section, any increase or decrease in costs of law library fees in any county shall not be effective until January 1 of the year next following adoption by the board of supervisors or the law library board of trustees of such increase or decrease.

6323. Exceptions. Such costs shall not be collected, however, in small claims court, nor shall they be collected in justices' courts in counties in which there are more than 25 municipal court judges, nor shall they be collected on the filing of a petition for letters of adoption, or the filing of a disclaimer.

6324. Additional appropriation. The board of supervisors of any county may set apart from the fees collected by the county clerk sums not exceeding one thousand two hundred dollars ($1,200) in any one fiscal year, to be paid by the county clerk into the law library fund in addition to the moneys otherwise provided to be deposited in that fund by law. The board of supervisors may also appropriate from the county treasury for law library purposes such additional sums as may in their discretion appear proper. When so paid into the law library fund, such sums shall constitute a part of the fund and be used for the same purposes.

6325. Audit. The orders and demands of the trustees of the law library, when duly made and authenticated as hereinafter provided, shall be verified and audited by the auditing officer, and paid by the treasurer of the county out of the law library fund. Full entry and record shall be kept as in other cases.

6326. Revolving fund. A revolving fund of not more than one thousand five hundred dollars ($1,500) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding fifty dollars ($50) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding fifty dollars ($50) each by check on the signature of the secretary or any other person or persons designated by the board.

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ARTICLE 3. DUTIES AND POWERS OF BOARDS

6340. Establishment and maintenance. Each board of law library trustees shall establish and maintain a law library at the county seat of the county in which it is appointed and may lease suitable quarters therefor or construct quarters pursuant to the provisions of this chapter, and may provide leased or constructed quarters with suitable furniture and utility services.

6341. Branches. Any board of law library trustees may establish and maintain a branch of the law library in any city in the county, other than the county seat, in which a session of the superior court or of a municipal court is held, or in which a municipal court has been authorized by statute but has not yet begun to operate. In any city constituting the county seat, any board of law library trustees may establish and maintain a branch of the law library at any location therein where four or more judges of the municipal court are designated to hold sessions more than 10 miles distant from the principal office of the municipal court. In any city and county any board of law library trustees may establish and maintain branches of the law library. A branch is in all respects a part of the law library and is governed accordingly.

6342. Expenditures. A board of law library trustees may order the drawing and payment, upon properly authenticated vouchers, duly certified by the president and secretary, of money from out of the law library fund for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this chapter.

6343. Rules and regulations; Expenditures. A board may make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of the law library, and of all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to it. A board may make expenditures for the suitable maintenance, repair, protection and insurance against loss of such property, both real and personal.

6344. Purchases. A board may purchase books, journals, other publications, and other personal property. It may dispose of obsolete or duplicate books, and other unneeded or unusable property.

6345. Librarian. A board may appoint a librarian and define the powers and prescribe the duties of any officers, determine the number, and elect all necessary subordinate officers and assistants, and at its pleasure remove any officer or assistant.

For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a board may authorize payment of all or a part of the reasonable travel expense of applicants who are called for interview and all or part of the reasonable travel and moving expense of persons who change their place of residence to accept employment with the law library.

6346. Salaries, bonds, etc. A board shall fix the salaries of the secretary, librarian, and other officers and assistants, and may require a bond

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of any officer or assistant, in such sum as it may fix. The premium on any such bond given by an authorized surety company may be paid from the law library fund.

6346.5. Affiliation with State Retirement System. A board of law library trustees may contract with the Board of Administration of the State Employees' Retirement System, to make all or any of the officers or employees of the law library members of the system.

6347. Contracts. A board may contract with any law library association to make use of its library as a public law library, under proper rules and regulations to be prescribed by the board, either by lease or such other contracts as may best carry into effect the purposes of this chapter.

6348. Real Property. A board may expend surplus funds in excess of ten thousand dollars ($10,000) under its control, not necessary for use to maintain the law library, to aquire or lease real property and erect thereon a library building to house the law library. In the alternative, a board of law library trustees, may appropriate from such surplus funds in excess of ten thousand dollars ($10,000), so much as in the discretion of said board may be necessary to obtain adequate quarters for the law library in any building hereafter erected by the board of supervisors of the county in which the law library is maintained. The moneys so appropriated shall not be more than the proportion of the total cost of such building which the space allotted to the law library bears to the total usable space in the building. The moneys so appropriated may be transferred to the board of supervisors of the county for use in erecting the building, or may be paid directly on contracts for the erection thereof made by the board of supervisors.

6348.1. Buildings: Appropriation: Land for library building. An appropriation to obtain quarters for the law library in a building to be erected by the board of supervisors of the county, may be made subject to such terms and conditions, including approval of plans and specifications, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors.

Where a board of law library trustees determines to erect a library building to house the law library, the State of California or the county or the city in which the building is to be located, may set apart and dedicate or lease land owned by any of them for the permanent use of the building and access thereto.

6348.2. Loan for building. When a board of law library trustees in any county having a population in excess of two million determines to erect a library building to house the law library, it may borrow money for that purpose and repay the loan from its future income. The board may borrow the money from any person, or private or public agency, or corporation, in an amount not exceeding half of the funds of the board allocated to the construction of the building, upon such terms as may be agreed upon by the board and the lender and approved by resolution of the board of supervisors of the county.

6348.3. Library building. A library building erected to house the law

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library may include not more than four courtrooms with offices in connection therewith, offices for use of a county bar association, and an office for a notary public and public stenographer, which courtrooms and offices the board of law library trustees may lease, the income to be deposited in the law library fund.

6348.4. Sale of real property. Real property acquired by a board other than by dedication, may be sold by the board to the State of California or to any governmental agency, the proceeds to be deposited in the law library fund.

6348.5. Investment of surplus funds. A board of law library trustees may invest surplus funds, with the approval of the county treasurer, in excess of one hundred thousand dollars ($100,000) or of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, whichever is lesser, in bonds of the Government of the United States or of this state. Bonds so purchased may be sold at any time in the discretion of the board. In computing average annual expenditures for the purposes of this section, capital expenditures for the purchase of real property and construction of a library building shall not be included.

6348.6. Contract with supervisors for building. In any county having a population of 400,000 but less than 700,000, a board of law library trustees may contract with the board of supervisors of the county upon such terms as may be mutually agreeable for the construction by the board of supervisors of a law library building or any part thereof or for quarters in a building to be erected by the board of supervisors. Such agreement may be made subject to such terms and conditions including approval of plans and specifications, regarding the furnishing and equipping of the building or quarters, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors. Such contract may provide that the board of law library trustees shall make payments to the board of supervisors out of future income in payment for constructing or furnishing or equipping such law library building or part thereof or such quarters in a building. Any contract heretofore executed by a board of law library trustees and a board of supervisors, which, if executed subsequent to the effective date of this section would be valid, is hereby ratified and validated.

6349. Annual report. Each board of law library trustees, on or before the 15th day of August of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the 30th day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest.

6350. Financial report. A financial report, showing all receipts and disbursements of money, shall be made by the secretary, duly verified by

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his oath, at the same time that the report of the board is made.

ARTICLE 4. GENERAL PROVISIONS

6360. Use of Library. A law library established under the provisions of this chapter shall be free to the judiciary, to state and county officials, to members of the State Bar, and to all residents of the county, for the examination of books and other publications at the library or its branches.

The board of law library trustees may permit the removal of such books and other publications from the library and its branches as it considers proper, subject to such rules, and, in its discretion, the giving of such security, as it may provide to insure the safekeeping and prompt return thereof, but no security shall be required of members of the judiciary or county officials. The board may provide for the levying of fines and charges for violation of the rules, and may make charges to cover the cost of special services, such as the making of photo copies of pages of library books, and messenger service.

The board of law library trustees may require persons other than members of the judiciary, county officials, and members of the bar resident in the county, to pay such dues as the board may fix for the privilege of removing books and other publications from the library.

6361. Quarters. The board of supervisors of the county in which the law library is established shall provide sufficient quarters for the use of the library upon request of the board of law library trustees, except that the board of supervisors need not provide such quarters when the board of law library trustees determines it has sufficient funds, over and above those necessary for operation and maintenance expenses, to provide its own quarters. Such provision may include, with the room or rooms provided, suitable furniture, window shades, floor coverings, lighting, heat and telephone and janitor service.

6362.5. Information on new materials. The State Librarian shall periodically supply to each law library established under the provisions of this chapter, and requesting the same, information regarding newly published materials to aid such libraries in their selection of new materials.

6363. Declaration of intent. Whenever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this state, this chapter shall not be considered a repeal of any legislation under which such library was established and is now governed, but shall be deemed to confer upon such library the benefits of Sections 6321, 6322, 6322.1, 6326, 6341, 6345, 6346, 6346.5, and 6347.

6364. Discretion of supervisors. It is discretionary with the board of supervisors of any county to provide by ordinance for the application of the provisions of this chapter to the county.

6365. Discontinuance of Library. Whenever the board of supervisors in any county in this state in which there is but one judge of the superior court, which board shall have adopted the provisions of this chapter and established a law library, desire to discontinue such law library, they shall by ordinance declare their intention so to do, and shall provide in such

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ordinance that the books already in the library shall be transferred to and kept in the chambers of the judge of the superior court of such county. All moneys on hand in the law library fund of such county, and the office of member of the board of law library trustees of such law library shall be abolished. After such an ordinance takes effect, the county clerk of such county shall not collect the fees and costs provided for the law library.

MUNICIPAL LIBRARIES

(Educ. Code, Secs. 18900–18965)

ARTICLE 1. ESTABLISHMENT

18900. Establishment by a legislative body. The common council, board of trustees, or other legislative body of any city in the state may, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article, shall, by ordinance, establish in and for the municipality a public library if there is none already established therein.

18901. Petition of electors. The request may be by a single petition, or by several petitions. The several petitions shall be substantially in the same form. The single petition, or several petitions in the aggregate, shall have, the signatures of the requisite number of electors.

ARTICLE 2. TRUSTEES

18910. Board of library trustees. The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality.

18911. Term of office and compensation. The trustees shall hold office for three years. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter.

The legislative body of the municipality may, by ordinance, provide for the compensation of such trustees; provided that the respective compensation for such trustees shall not exceed fifty dollars ($50) per month.

18912. Eligibility. Men and women are equally eligible to appointment as trustees.

18913. Vacancies. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made.

18914. Monthly meetings. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution.

18915. Special meetings. Special meetings may be called at any time by three trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting.

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18916. Quorum. A majority of the board shall constitute a quorum for the transaction of business.

18917. President. The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem.

18918. Records. The board shall cause a proper record of its proceedings to be kept.

18919. Rules, regulations and bylaws. The board of library trustees may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto.

18920. Administration of trusts. The board of library trustees may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

18921. Officers and employees. The board of library trustees may prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library; determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices or positions at the pleasure of the board.

18922. Purchase of personal property. The board of library trustees may purchase necessary books, journals, publications, and other personal property.

18923. Purchase of real property. The board of library trustees may purchase real property, and erect or rent and equip, such buildings or rooms, as may be necessary, when in its judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for the library.

18924. State publications. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

18925. Books. The board of library trustees may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the board may prescribe.

18926. General duties. The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

18927. Annual report. The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in

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addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

ARTICLE 3. SUPPORT OF LIBRARIES

18950. Tax levy. The legislative body of any municipality in which a public library is established pursuant to this chapter, shall in making the annual tax levy and as part thereof, if the construction and maintenance of the library has not been otherwise provided for, levy a tax for the purpose of construction and maintaining the library and purchasing property necessary therefor. The tax shall be in addition to other taxes, the levy of which is permitted in the municipality. The tax levy shall not exceed thirty cents ($0.30) per one hundred dollars ($100) of assessed valuation. As used in this section, maintenance includes preserving, repairing and altering existing structures.

18951. Library fund. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and shall be applied to the purposes authorized in this chapter.

18952. Administration of gifts. If payment into the treasury is inconsistent with the conditions or terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

18953. Warrants. Payments from the fund shall be made upon warrants issued after due audit by, and an order from, the library trustees. The warrants shall be signed by the president and secretary of the board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority.

ARTICLE 4. GOVERNMENT

18960. Rules. Every library established pursuant to this chapter shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations, and bylaws as may be made by boards of library trustees. Any person who violates any rule, regulations, or bylaw may be fined or excluded from the privileges of the library.

18961. Contract with city or county. The board of library trustees and the legislative body of any neighboring municipality or the board of supervisors of the county in which the public library is situated, may contract for lending the books of the library to residents of the county or neighboring municipality, upon a reasonable compensation to be paid by the county or neighboring municipality.

18962. Legal title. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or otherwise designated, vests in the municipality in which the library is situated, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

18963. Contrived existence. Any municipal library which was established and existed on June 11, 1909, under the provisions of an act entitled "An act to establish free public libraries and reading rooms," approved April 26, 1880, is continued under the provisions of this chapter and shall be considered the same as if established under the provisions of this chapter. This chapter has no application to any library established or governed by a city charter, and any city charter is in no manner affected by this chapter.

18964. Disestablishment. Any ordinance establishing a library adopted pursuant to this chapter shall be repealed by the body which adopted it upon being requested to do so by 51 percent of the electors of the municipal corporation, as shown by the great register. Upon the repeal of the ordinance the library is disestablished in the municipal corporation.

18965. Dissolution of boards. Whenever the governing bodies of two or more cities or counties consolidate their existing public library services, as a joint exercise of powers under Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code, and the ownership or management of the cities' and counties' library facilities and other library assets are turned over to a newly formed joint agency, any boards of public library trustees existing prior to the consolidation, may be dissolved by ordinance.

Alternative Authority for Municipal Libraries

(Gov. Code Sec. 39732)

39732. Acquisition and operation. The legislative body may:

(a) Acquire, own, construct, maintain and operate . . . public libraries . . .

Acquirement, Improvement, and Maintenance of Library Sites

(Gov. Code, Secs. 38000–38213)

LIBRARY DISTRICTS

(Educ. Code, Secs. 19400–19532)

ARTICLE 1. FORMATION, ANNEXATION, DISSOLUTION

19400. Purposes. A library district may be organized, as provided in this chapter. The library district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and may exercise the powers granted or necessarily implied pursuant to this chapter.

19401. Territory. The library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and the territory of no city is divided.

19402. Petition. Whenever the formation of a library district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which is located the largest proportionate value of the lands within the proposed district as shown by the last equalized county assessment roll. The board of supervisors to whom the petition is presented is designated in this chapter as the supervising board of supervisors.

19403. Signatures. The petition shall be signed by registered voters residing within the proposed library district equal in number to at least 5 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected.

19404. Procedure. The proceedings for the filing and hearing of the petition are governed and controlled by the provisions of Sections 58032, 58033, 58034, 58060, and 58061 of the Government Code.

19405. Final hearing. The proceedings for final hearing of the petition and the formation of the district are governed and controlled by the provisions of Article 4 (commencing with Section 58090), Article 5 (commencing with Section 58130), and Article 7 (commencing with Section 58200) of Chapter 1 of Title 6 of the Government Code.

19406. Protest. On the filing of written protests by registered voters residing in the proposed district equal in number to at least 50 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected, the proceeding for the formation of the district shall be terminated as provided in Sections 58103 and 58104 of the Government Code.

19407. Districts in more than one county. No library district including territory in more than one county shall be organized under this chapter without the concurrent consent by resolution of each board of supervisors involved, as well as the consent of the governing body of each city to be included.

ARTICLE 2. TRUSTEES

19420. Trustees. Within 30 days after the filing with the Secretary of State of the resolution declaring the organization of the district, a board of three library trustees shall be appointed for the district. The board shall consist of one trustee to be appointed from each unit, in the case of any unincorporated territory by the board of supervisors and in the case of a city by the governing body thereof.

If a board thus appointed would consist of more than three members, the supervising board of supervisors shall appoint three library trustees from the district at large.

If the board thus appointed consists of less than three members, the supervising board of supervisors shall appoint from the district at large enough additional members to make a board of three trustees.

As used in this section, "unit" means all unincorporated territory in the district which lies in a single county and also means each city in the district.

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19421. Designation. The governing board of the district shall be called "the Board of Library Trustees of _____ Library District" (inserting the name of the particular district).

19422. Term. The trustees shall hold office for the term of four years beginning on the first day of April next succeeding their appointment or election. In any existing district the term of office of the trustees expiring prior to the first election to be held in an odd-numbered year shall continue until his successor in office is duly elected in such election.

For purposes of implementing the changes in the dates of election and in the dates of the commencement and termination of the terms of office of the trustees effected by the Legislature at the 1975–76 Regular Session, trustees whose terms are expiring in January 1977, shall continue to serve in the offices involved until March 31, 1977. For such purposes, also, the term of office of any trustee otherwise expiring under the prior law after March 31, 1977, shall expire on March 31, 1977. All of the offices shall be filled by election conducted pursuant to Section 27901 in 1977. Thereafter, the newly elected trustees shall classify themselves, in the manner specified in Section 27804.

19423. First board. The first board of library trustees appointed or elected in a district shall at their first meeting so classify themselves by lot that their terms shall expire: one on the 31st day of March of the first odd-numbered calendar year next succeeding his appointment or election, and two on the 31st day of March of the second succeeding odd-numbered calendar year.

19424. Organization. At its first meeting called after the original appointment of the board, and annually thereafter at its first meeting called after the first day of April in odd-numbered years, the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

19425. Certificate of establishment. The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of the library district, it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library district has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

19426. Vacancies. A vacancy in the board of library trustees shall be filled for the unexpired term by appointment of the supervising board of supervisors.

19427. Holding office. Each library trustee shall hold office until his successor is elected and qualified.

19428. Monthly meetings. The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

19429. Special meetings. Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

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19430. Quorum. Two members constitute a quorum for the transaction of business.

ARTICLE 3. POWERS

19460. Rules. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the district.

19461. Gifts. The board of library trustees shall administer any trust declared or created for the library, and received by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

19462. Officers and employees. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

19463. Purchases. The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

19464. Real property. The board of library trustees shall purchase real property, and erect or rent and equip, such buildings or rooms, as in its judgment are necessary properly to carry out the provisions of this chapter.

19465. State publications. The board of library trustees shall require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

19466. Books. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents of the district to borrow books upon such conditions as the board may prescribe.

19467. General powers. The board of library trustees shall borrow money, give security therefor, purchase on contract, and do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

19468. Annual report. The board of library trustees shall file, through the librarian, on or before the last day of August of each year, a report with the State Librarian at Sacramento giving the condition of its library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

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19469. Hours. The board of library trustees shall designate the hours during which the library shall be open for the use of the public. All public libraries established under this chapter shall be open for the use of the public during every day in the year.

19470. Estimate of costs. Annually, at leat 15 days before the first day of the month in which county taxes are levied, the board of library trustees of each library district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated, an estimate in writing of the amount of money necessary for all purposes required under this chapter during the next ensuing fiscal year.

19471. Tax levy. Each board of supervisors in which any part of the district is situated shall thereupon levy a special tax upon all taxable property of the county lying within the district sufficient in amount to maintain the district.

19472. Rate. The tax shall in no case exceed the rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the assessed valuation of all taxable property within the district, but it may be in addition to all other taxes allowed by law to be levied upon the property.

19473. Library district fund. The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All money collected shall be paid into the county treasury to the credit of the particular library district fund and shall be paid out on the order of the district board, signed by the president and secretary.

19474. District in more than one county. If the district embraces territory lying in more than one county, the amount estimated shall be ratably apportioned among the several counties in the district in proportion to the exact value of the property in the several counties included within the district as shown upon the last equalized assessment rolls of the counties. The estimates apportioned to the several counties shall be rendered to the respective boards of supervisors, and the tax shall be levied and collected by the officials of the counties upon the property of the district lying in each county.

19475. Gifts. All money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district, subject only to the order of the library trustees of the district.

19476. Administration of gifts. If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

19477. Warrants. Upon the receipt by the county auditor of an order of the library trustees of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order.

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19478. Nonpayment. When any warrant is presented to the treasurer for payment and it is not paid for want of funds, the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto, and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for the payment. The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

19479. Rules. Every library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violation of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library.

19480. Legal title. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is or is to be situated.

19481. Name. Every library district shall be designated by the name and style of _____ Library District (using the name of the district) of _____ County (using the name of the county or counties in which the district is situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A number shall not be used as a part of the designation of any library district.

19482. Contracts. The board of library trustees and the boards of trustees of neighboring library districts, or the governing bodies of neighboring cities, or boards of supervisors of counties in which public libraries are situated, may contract to lend the books of libraries created under this chapter to residents of the counties, neighboring cities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring cities, or library districts.

19483. Construction. Anything in Sections 19100 to 19179, inclusive, to the contrary, notwithstanding, the property in any library district created under this chapter subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created.

ARTICLE 4. CLAIMS

19500. Claims. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

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Article 5. Biennial Election of Trustees

19510. Biennial election. An election shall be held biennially in each library district for the election of one or more library trustees who shall hold office for four years beginning on the first day of April next succeeding his election. This election shall be held in the district on the same day as the school district election as specified in Section 1111 in the odd-numbered years. Trustees shall be nominated in the manner prescribed in Section 1114.

19511. Electors. To be qualified to vote at any library district election a person shall be a resident of the library district, a qualified elector of the county, and shall be registered in the district in which the election is held at least 30 days before the election.

19512. Election not held. If on the 50th day prior to an election one person only has been nominated for each of the positions of trustee to be filled at that election, or no person has been nominated for any such position, and a petition signed by 5 percent of the registered voters requesting that the election be held has not been presented to the board, an election shall not be held.

19513. Notice. In such case the publication provided for in Section 19515 shall instead of calling an election state that no election is to be held but that the board of supervisors will appoint those nominated for the positions of trustee.

19514. Appointment of trustees. If pursuant to Section 19512 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of trustee those persons nominated, and such persons shall qualify, take office, and serve exactly as if elected at a general district election. If no person has been nominated, the board of supervisors shall appoint any qualified voter of the district to the position.

19515. Notices and elections. Except as otherwise provided in this article, Chapter 6 (commencing with Section 1301) of Division 4 shall govern and control the conduct of elections pursuant to this chapter.

ARTICLE 6. BONDS

19520. Purposes. The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall, upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district, the proposition of whether the bonds of the district will be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the public library.

(d) Any or all of the purposes of this chapter.

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

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19521. Election. The bond election shall be called and conducted and the results thereof canvassed, returned, and declared in the manner provided in Chapter 6 (commencing with Section 1301) of Division 4.

19522. Contents of resolution. The board of trustees shall set forth in the resolution calling for a bond election the amount and denomination of the bonds, the rate of interest, and the number of years that all or any part of the bonds are to run.

19523. Method of voting. Voting shall be by ballot, without reference to the general eletion law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be "Bonds—Yes," and "Bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballots, with pencil or ink, after the words "Bonds—Yes," or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds.

19524. Favorable vote. The board of library trustees shall meet on the seventh day after the election, at 8 o' clock p.m., and canvass the returns. If it appears that two-thirds of the votes cast at the election were cast in favor of issuing the bonds, the board shall enter the fact upon its minute and shall certify all the proceedings to the supervising board of supervisors. Thereupon the board of supervisors shall issue the bonds of the district, in the number and amount provided in the proceedings, and the district shall be named on the bonds. The bonds shall be paid out of the building fund of the district.

The money for the redemption of the bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in the district.

19525. Bond limitation. The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district as shown by the last equalized assessment roll of the county or counties in which the district is situated.

19526. Form and term. The supervising board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

19527. Interest. Sale. The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library money is drawn out.

19528. Tax levy. The board of supervisors of each county in which any part of the district is situated, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than

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sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds are to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

19529. Payment of bonds. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

19530. Cancellation. Whenever any bonds issued under this article remain unsold for the period of six months after having been offered for sale in the manner prescribed by the supervising board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the supervising board of supervisors to cause the unsold bonds to be withdrawn from the market and canceled.

19531. Notice of hearing. Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervising board of supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published as provided in this chapter.

19532. Order. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervising board of supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

LIBRARY DISTRICTS IN UNINCORPORATED TOWNS AND VILLAGES

(Educ. Code Secs. 19600–19734)

ARTICLE 1. FORMATION

19600. Establishment. Any unincorporated town or village of this state may establish, equip, and maintain a public library for the dissemina-

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tion of knowledge of the arts sciences, and general literature, in accordance with this chapter.

19601. Petition and election. Upon the application, by petition, of 50 or more taxpayers and residents of any unincorporated town or village to the board of supervisors in the county in which the town or village is located, praying for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall appoint three qualified electors of the proposed district to conduct the election.

19602. Election notice. The election shall be called by posting notice in three of the most public places in the proposed library district, and by publication in a daily or weekly paper, if there is one, at least once a week for not less than 15 days. The notices shall specify the time, place, and the purposes of the election, and the hours during which the polls will be kept open.

19603. Local agency formation commission analysis. Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

19604. Written arguments—filing. The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

19605. Written arguments—selection. If more than one argument for or more than one argument against the proposed district formation is filed

with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or any member or members of the board authorized by the board.

(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

19606. Ballot pamphlet. The officials in charge of conducting the election shall cause a ballot pamphlet concerning the district formation proposition to be voted on to be printed and mailed to each voter entitled to vote on the district formation question.

The ballot pamphlet shall contain the following in the order prescribed:

(a) The complete text of the proposition.

(b) The impartial analysis of the proposition prepared by the local agency formation commission.

(c) The argument for the proposed district formation.

(d) The argument against the proposed district formation.

The election officials shall mail a ballot pamphlet to each voter entitled to vote in the district formation election at least 10 days prior to the date of the election. Such a ballot pamphlet is "official matter" within the meaning of Section 10012 of the Elections Code.

19607. Voting hours. In districts with a population of 10,000 or over, the polls shall be opened at 8 o'clock a.m., and kept open until 7 o' clock p.m., and in districts where the population is less than 10,000, the polls shall not be opened before 1 o'clock p.m., and shall be kept open not less than six hours.

19608. Conduct of election. The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after the words on his ballot the word "Yes," or the word "No."

19609. Electors. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election.

19610. Report of results. The election officers shall report the result of the election to the board of supervisors within five days after the election.

19611. Board of library trustees. If a majority of the votes at the election is in favor of a library district, the board of supervisors shall by resolution, establish the library district, and shall appoint five trustees, who shall be qualified electors and residents within the limits of the district, to be known as a board of library trustees of the town or village for which they are appointed.

19612. Vacancies. Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

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19613. Unfavorable vote. If a majority of the votes cast is against a library district, the board of supervisors shall, by order, so declare, and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

19614. Conclusiveness of proceedings. The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the five library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article and of the existence and validity of the district.

ARTICLE 2. POWERS

19640. Monthly meeting. The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

19641. Special meetings. Special meetings may be called at any time by three trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

19642. Quorum. Three members constitute a quorum for the transaction of business.

19643. Organization of board. At its first meeting held after the general district election the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

19644. Certification of establishment. The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees, it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

19645. Rules. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to it.

19646. Gifts. The board of library trustees shall administer any trust declared or created for the library, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

19647. Officers and employees. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

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19648. Purchases. The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

19649. Real property. The board of library trustees shall also purchase such real property, and erect or rent and equip, such building or rooms, as in its judgment is necessary to properly carry out the provisions of this chapter.

19650. State publications. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

19651. Books. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries. It shall allow nonresidents to borrow books upon such conditions as it may prescribe.

19652. General duties. The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

19653. Annual report. The board of library trustees shall file, through the librarian, on or before the last day in the month of August of each year, a report with the State Librarian at Sacramento giving the condition of the library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

19654. Hours. The board of library trustees shall designate the hours during which the library is open for the use of the public. All public libraries established under this chapter shall be open for the use of the public during every day in the year except on such legal holidays as may be determined by the board of library trustees.

19655. Annual estimate of costs. In any library district formed under the provisions of this chapter, which maintains a public library, or which has petitioned for and been granted permission to establish, and intends to maintain a public library in accordance with this chapter, the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following:

(a) Leasing temporary quarters.

(b) Purchasing a suitable lot.

(c) Procuring plans and specifications and erecting a suitable building.

(d) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accomodation of the public library.

(e) Conducting and maintaining the library for the ensuing fiscal year.

19656. Bond elections. The board of library trustees may, when in its judgment it is deemed advisable, and upon the petition of 50 or more taxpayers residing within the library district shall, call an election and

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submit to the electors of the library district the question of whether the bonds of the library district shall be issued and sold for any or all the purposes of this chapter.

19657. Tax levy. When the estimate has been submitted to the board of supervisors, the board of supervisors shall, at the time of levying county taxes, levy a special tax upon all of the taxable property within the limits of the library district, sufficient in amount to maintain the public library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes of this chapter. The taxes shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected.

19658. Library fund. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury, to the credit of the library fund of the district in which the tax is collected, subject only to the order of the library trustees of the district. If payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

19659. Warrants. Upon the receipt by the county auditor of an order of the library trustees of the district he shall issue his warrant upon the county treasurer for the amount stated in the order.

19660. Nonpayment. When any warrant is presented to the treasurer for payment and it is not paid for want of funds the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for payment. The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

19661. Rules. Every library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For any violation of the rules, regulations, or bylaws a person may be fined or excluded from the privileges of the library.

19662. Service contracts. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties or neighboring municipalities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

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19663. Legal title. The title to all property acquired for the purposes of the libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which libraries are, or are to be situated.

19664. Name. Every library district shall be designated by the name and style of _____ Library District, (using the name of the district), of _____ County, (using the name of the county in which the district is situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A number shall not be used as a part of the designation of any library district.

ARTICLE 3. CLAIMS

19690. Claims. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

ARTICLE 4. ANNUAL ELECTION OF TRUSTEES

19700. Elections. (a) Except as otherwise provided in this article, the Uniform District Election Law (Part 3 (commencing with Section 23500) of Division 12 of the Elections Code) shall govern and control the conduct of elections pursuant to this chapter. Elections shall be held biennially in the district on the same day as the school district election as specified in Section 5000 in the odd-numbered years.

(b) The trustees shall hold office for the term of four years beginning on the first day of July next succeeding their appointment or election. In any existing district the term of office of the trustees expiring prior to the first election to be held in an odd-numbered year shall continue until their successors in office are duly elected in such election and enter upon their offices.

For purposes of implementing the changes in the dates of election and in the dates of the commencement and termination of the terms of office of the trustees effected by the Legislature at the 1973–74 Regular Session, no election for trustees shall be held in conjunction with the 1974 general election. For such purposes trustees whose terms are expiring in January 1975, shall continue to serve in the offices involved until June 30, 1975, and trustees whose terms are expiring in January 1977, shall continue to serve in the offices involved until June 30, 1977. All of the offices that will expire shall be filled by election conducted pursuant to subdivision (a) in the year in which the office expires.

(c) The members of the first board of library trustees appointed or elected in a district shall, at their first meeting, so classify themselves by lot that their terms shall expire: two on the 30th day of June of the first odd-numbered calendar year next succeeding their appointment or election, and three on the 30th day of June of the second succeeding odd-numbered calendar year.

19701. Trustees. The number of library trustees for any library district established under the provisions of this chapter is five.

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19702. Qualified electors. Every elector, resident of the library district, who is a qualified elector of the county, and who is registered in the district where the election is held at least 54 days before the election, may vote at the election.

ARTICLE 5. BONDS

19720. Purposes. The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the question of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building, and fencing and ornamenting the grounds, for the accommodation of the public library.

(d) Any or all of the purposes of this chapter.

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

19721. Notice. The election shall be called by posting notices, signed by the board, in three of the most public places in the district, for not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks in a newspaper published in the district if there is one, or if there is none, in a newspaper published in the county.

19722. Contents of notice. The notice shall contain:

(a) Time and place of holding the election.

(b) The names of inspectors and judges to conduct the election.

(c) The hours during the day in which the polls will be open.

(d) The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding 40, the whole or any part of the bonds are to be run.

19723. Conduct of elections. The election shall be conducted in accordance with the provisions relating to the election of trustees, insofar as they are applicable to the election for bonds.

19724. Method of voting. Voting shall be by ballot, without reference to the general election law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be, "Bonds—Yes," and "Bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballots, with pencil or ink, after the words, "Bonds—Yes," or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the ballot in the ballot box, and the judges shall enter the elector's name on poll list.

19725. Favorable vote. On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the

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board shall meet and canvass the returns, and if it appears that more than one-half of the votes cast at the election are in favor of issuing the bonds, then the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors, all the proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming the district.

19726. Taxation. The money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and the payment of the interest thereon.

19727. Bonded limitation. The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

19728. Form and term. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

19729. Interest. Sale. The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library moneys are drawn out.

19730. Tax levy. The board of supervisors, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

19731. Payment of bonds. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

19732. Cancellation. Whenever any bonds issued under this article remain unsold for the period of six months after having been offered for

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sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

19733. Notice of hearing. Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for 10 days prior to the day of hearing, in some newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

19734. Order. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library district that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

UNIFIED SCHOOL DISTRICT PUBLIC LIBRARIES AND UNION HIGH SCHOOL DISTRICT PUBLIC LIBRARIES

(Educ. Code, Secs. 18300–18571)

ARTICLE 1. DEFINITIONS

18300. "Trustees." "Trustees," or "library trustees" as used in this chapter mean the regularly elected union high school trustees who reside within the library district.

18301. "Library district." "Library," "library district," or "library districts" as used in this chapter mean "union high school library district."

ARTICLE 2. UNIFIED SCHOOL DISTRICTS

18310. Establishment of library district. For the purposes of this chapter a unified school district has all of the powers and duties of a union high school district. A library district may be formed upon the application of 50 or more taxpayers and residents of any unified district, and after an election, in the manner prescribed by this chapter for the formation of a library district upon the application of taxpayers and residents of a union high school district. If the requisite number of votes cast at the election are in favor of a unified school district library district the board of supervisors shall by resolution establish the library district and place the district in the control of the governing board of the unified school district.

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18311. Definitions. As used in this chapter the words "union high school district" mean union high school district or unified school district and the words "union high school" mean union high school or unified school district. Whenever the provisions of this chapter are being exercised by, or are being made applicable in, a unified school district, the words "union high school district" and "union high school" shall be deemed to mean unified school district.

18312. Establishment of unified school district library district. If there are formed substantially within the territory of a union high school library district two or more unified school districts, the library district shall become a unified school district library district which shall be governed by the governing board of the unified school district whose territory includes the largest portion of the territory of the library district.

ARTICLE 3. ESTABLISHMENT

18320. Purposes. Any union high school district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter.

18321. Legal title. The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is, or is to be, situated.

18322. Rules. Every union high school library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violations of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library.

ARTICLE 4. FORMATION OF DISTRICT

18330. Petition and election. Upon the application by petition of 50 or more taxpayers and residents of any union high school district to the board of supervisors in the county in which the union high school district is located, praying for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall appoint three qualified electors thereof to conduct the election.

18331. Notice. The election shall be called by posting notices in three of the most public places in the proposed library district, and by publication in a daily or weekly paper therein, if there is one, at least once a week for not less than 15 days. The notices shall specify the time, place, and the purpose of the election, and the hours during which the polls will be kept open.

18332. Voting hours. In districts with a population of 10,000 or over, the polls shall be opened at 8 o'clock a.m. and kept open until 7 o'clock p.m., and in districts where the population is less than 10,000, the polls shall

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not be opened before 1 o'clock p.m. and shall be kept open not less than six hours.

18333. Conduct of election. The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For Union High School Library District." The voter shall write or print after the words on his ballot the word "Yes" or the word "No."

18334. Electors. Every qualified elector, resident within the proposed district for the period requisite to enable him to vote at a general election, shall be entitled to vote at the election.

18335. Result of election. The election officers shall report the result of the election to the board of supervisors within five days subsequent to the holding thereof.

18336. Favorable vote. If two-thirds of the votes cast at the election are in favor of a union high school library district, the board of supervisors shall, by resolution, establish the library district, and place the district in the control of the governing board of the union high school district.

18337. Unfavorable vote. If more than one-third of the votes cast in the election is against a library district, the board of supervisors shall, by order, so declare and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

18338. Conclusive evidence. The fact of the presentation of the petition and the order establishing the library district shall be entered on the minutes of the board of supervisors, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article, and of the existence and validity of the district.

18339. Name. Every library district shall be designated by the name and style of "_____ Library District (using the name of the district) of _____ County (using the name of the county in which the district is situated)." A number shall not be used as a part of the designation of any library district.

18340. Legal action. In the name of the library district, the governing board may sue and be sued, and may hold and convey property for the use and benefit of the district.

18341. Term of trustees. The trustees in whose control the library district has been placed shall severally hold office during the term for which they have been elected as trustees of the union high school district.

ARTICLE 5. DISSOLUTION OF DISTRICTS

18370. Election. The district may at any time be dissolved if two-thirds of the votes cast at an election called by the library trustees upon the question of dissolution are in favor of the dissolution.

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18371. Conduct of election. The election shall be called and conducted in the same manner as other elections of the district.

18372. Property. Upon dissolution, the property of the district shall vest in any union high school district in which the library is situated.

18373. Bonded indebtedness. If at the time of the election to dissolve the district, there is any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes excepting only the levy and collection of taxes for the payment of the indebtedness. From the time the district is dissolved until the bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the board of supervisors is ex officio the library board of the district. The board shall levy such taxes and perform such other acts as are necessary in order to raise money for the payment of the indebtedness and the interest thereon.

ARTICLE 6. MEETINGS OF BOARDS OF TRUSTEES

18380. Monthly meetings. The boards of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

18381. Special meetings. Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

18382. Quorum. Three members constitute a quorum for the transaction of business.

18383. Organization. The board shall hold an annual organizational meeting. In a year in which a regular election for board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a board member elected at that election takes office. Organizational meetings in years in which no such regular election for board members is conducted shall be held during the same 15-day period on the calendar. At each of such meetings, the board shall elect one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

18384. Records. The board shall cause a proper record of its proceedings to be kept.

18385. Certificate of establishment. At the first meeting of the board of trustees of any library district formed under this chapter it shall immediately cause to be made out and filed with the Department of Education at Sacramento a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

ARTICLE 7. POWERS OF BOARDS OF TRUSTEES

18400. Rules. The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the library.

18401. Gifts. The board of library trustees shall administer any trust declared or created for the library and receive by gift, devise, or bequest,

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and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

18402. Officers and employees. The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the boards.

18403. Purchases. The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

18404. Real property. The board of library trustees shall purchase such real property, and erect or rent and equip such buildings or rooms, as in its judgment are necessary to properly carry out the provisions of this chapter.

18405. State publications. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

18406. Books. The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries, and shall allow nonresidents to borrow books upon such conditions as it may prescribe.

18407. General powers. The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

18408. Annual report. The board of library trustees shall file through the librarian on or before the last day in August of each year, a report with the State Librarian at Sacramento, giving the condition of its library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

18409. Hours. The board of library trustees shall designate the hours during which the library will be open for the use of the public.

18410. Hours. All public libraries established under this chapter shall be open for the use of the public at all reasonable times.

18411. Service contracts. Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties, neighboring municipalities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

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ARTICLE 8. LIBRARY COMMISSION

18440. Library commission. A board of library trustees may appoint, by resolution or other order entered in the minutes of the board of library trustees, a library commission consisting of five members to manage and operate the library or libraries of the district. Before any board of library trustees appoints a library commission as provided herein, the board of library trustees shall hold ast least one public hearing on the matter of the creation of a library commission; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

18441. Term of commissioners. The members of the library commission shall hold office for three years from the first day of July next succeeding their appointment and until their successors are appointed and qualified, and shall serve without compensation.

18442. First commission. The members of the first commission appointed shall be so classified by the board of library trustees at the time of their appointment that the term of office of one of the members shall expire on the first day of July one year after the first day of July next succeeding his appointment, two at the end of one additional year thereafter, and two at the end of two additional years thereafter.

18443. Vacancies. Vacancies shall be filled by the board of library trustees by appointment for the unexpired term.

18444. Organization. Within 30 days after their first appointment, and whenever vacancies in any office may occur and are filled, the commission shall meet and organize as a commission, electing a president and a secretary from their number, after which they may transact business. The commission shall meet at least once a month at such time and place as they may fix by resolution. Regular and special meetings shall be called and conducted as prescribed in Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the Government Code.

18445. Quorum. A majority of the commission shall constitute a quorum for the transaction of business.

18446. Action. The commission shall act only by resolution or motion. A majority vote of the members of the commission is required on each action taken, and the vote thereon shall be recorded.

18447. Records. The commission shall cause a proper record of its proceedings to be kept and maintained.

18448. Expenses. Members of the commission may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the commission.

18449. General powers. The commission shall do and perform any and all powers and duties authorized or required of the board of library trustees in Article 7 (commencing with Section 18400) of this chapter with the exception of Section 18411, provided that the consent of the board of

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library trustees shall be necessary before the commission may dispose of property pursuant to Section 18401 and before the purchase, erection, rental, and equipment of buildings or rooms pursuant to Section 18404.

18450. Warrants. Upon the receipt by the county auditor of an order of the library commission of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order if sufficient funds be on deposit in the account of the district with the county treasurer.

18451. Annual budget. Annually, and on or before the first day of June of each and every year, the commission shall submit or cause to be submitted to the board of library trustees its proposed budget for the operating and maintaining of the library or libraries of the district for the ensuing fiscal year. The proposed budget shall include an estimate of the cost of any or all of the following:

(a) Leasing of temporary quarters;

(b) Purchasing of suitable real property;

(c) Procuring plans and specifications, and erecting a suitable building or buildings;

(d) Furnishing and equipping the library building, and fencing and ornamenting the grounds for the accommodation of the public library.

18452. Dissolution of commission. The board of library trustees may dissolve the library commission created under the provisions of this article effective as of the 30th day of June next succeeding. Before taking action to dissolve a library commission, the board of library trustees shall hold at least one public hearing on the matter; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

ARTICLE 9. ESTIMATES OF FUNDS NEEDED

18480. Annual estimates. In any library district formed under this chapter which maintains a public library, or which has petitioned for and has been granted permission to establish, and intends to maintain, a public library in accordance with this chapter, the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following:

(a) Leasing temporary quarters.

(b) Purchasing a suitable lot.

(c) Procuring plans and specifications and erecting a suitable building.

(d) Furnishing and equipping the building, and fencing and ornamenting the grounds for the accommodation of the public library.

(e) Conducting and maintaining the library for the ensuing fiscal year.

ARTICLE 10. TAX LEVY

18490. Tax levy. When the estimate provided for in Section 18480 has been submitted to the board of supervisors of any county in which a library district has been established, the board of supervisors shall, at the time of

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levying county taxes, levy a special tax upon all taxable property within the limits of the library district.

18491. Amount. The tax levied shall be sufficient in amount to maintain the union high school library, or to purchase the site, erect and equip the building, improve the grounds or building, or for any or all of the purposes enumerated in Section 18480.

18492. Computation and collection. The taxes levied shall be computed, entered upon the tax roll, and collected in the same manner as other taxes are computed, entered, and collected.

18493. Library fund. The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district in which the tax was collected, subject only to the order of the library trustees of the district.

18494. Administration of gifts. If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

ARTICLE 11. CLAIMS

18500. Claims. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

ARTICLE 12. ELECTIONS FOR ISSUANCE OF BONDS

18510. Purposes. The board of trustees of any union high school library district may, when in its judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the proposition of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following purposes:

(a) The purchase of suitable lots.

(b) Procuring plans and specifications and erecting a suitable building.

(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the union high school library.

(d) Any or all of the purposes of this chapter.

(e) Liquidating any indebtedness incurred for the purposes.

(f) Refunding any outstanding valid indebtedness evidenced by bonds or warrants of the district.

18511. Amount. In determining the amount of bonds to be issued and sold, the board of trustees may include:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.

(b) The costs of printing the bonds and other costs and expenses inci-

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dental to or connected with the authorization, issuance and sale of the bonds.

If such a determination is made, the proceeds of the sale of the bonds may be used to pay such costs and fees.

18512. Voting hours. The hours during which the polls shall be opened at the election shall be as established by the board, but in no event for less than nine hours.

18513. Method of voting. Voting shall be by ballot, without reference to the general election law in regard to form of ballot or manner of voting, except that the words to appear on the ballot shall be "Bonds—Yes" and "Bonds—No." Persons voting at the bond election shall put a cross (+) upon their ballot with pencil or ink, after the words "Bonds—Yes" or "Bonds—No," as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit it in the ballot box, and the judges shall enter the elector's name on the poll list.

18514. Canvass. On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the board shall meet and canvass the returns.

18515. Favorable vote. If it appears that two-thirds of the votes cast at the election are in favor of issuing the bonds, the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors of the county all the proceedings had in the premises.

18516. Notice. Notice of election shall be given substantially in the manner and for the time provided in Section 18331.

18517. Consolidation. Any election called pursuant to this article may be consolidated with any other election pursuant to the provisions of Chapter 4 (commencing with Section 23300) of Part 2 of Division 12 of the Elections Code. In such event, the provisions of law governing such other election with respect to the manner of marking ballots and hours of elections shall apply.

18518. Validation. No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of any district are authorized to be issued shall invalidate the election or any bonds authorized by such election.

ARTICLE 13. ISSUANCE AND SALE OF BONDS

18530. Issuance. After the provisions of Sections 18510 to 18515, inclusive, have been complied with, the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming it, and the money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and payment of the interest thereon.

18531. Bonded limitation. The total amount of bonds issued, shall not

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exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

18532. Interest. The bonds shall not bear a rate of interest greater than 8 percent, payable annually or semiannually.

18533. Form. The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto.

18534. Time of payment. The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds will be payable, which shall not be more than 40 years from the date thereof.

18534.3. Divided issue. The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series.

18534.5. Redemption. The board of supervisors may provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

18535. Sale of bonds. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par.

18536. Deposit of proceeds. The proceeds of the sale of the bonds shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bond were issued as other library money is drawn out.

ARTICLE 14. CANCELLATION OF BONDS

18550. Petition. Whenever any bonds issued under the provisions of this chapter remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

18551. Notice of hearing. Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall not be more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object to the petition in general terms, to be published for 10 days prior to the day of hearing in a newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

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18552. Order. At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled.

18553. Cancellation. Thereupon the bonds and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

Article 14.5. Sale of Unsold Bonds

18555. Purpose. When the board of trustees of the library district determines that the purpose and object of the bonds has been accomplished, it may request the board of supervisors to cause any unsold bonds to be issued and sold and the proceeds thereof used for any or all of the purposes set forth in Section 18510.

18556. Notice. Upon receiving the request, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the requests which shall not be more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the request in general terms, to be published for 10 days prior to the day of hearing in a newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

18557. Hearing. At the time and place designated in the notice for hearing the request, or at any subsequent time to which the hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the request. If, before the conclusion of the hearing, a petition signed by registered voters within the district equal to not less than 10 percent of the vote cast within the boundaries of the district for all candidates for governor at the last gubernatorial election requesting an election is not filed, the board of supervisors may, if they determine it to be for the best interests of the library district, grant the request. In such event, they shall make and enter an order in the minutes of their proceedings that the unsold bonds shall be sold and the proceeds used for the purposes specified in the request.

18558. Referendum. In the event a petition, as set forth in Section 18557, is filed, the board of supervisors shall not grant the request without first submitting the question to the voters in the same manner and with the same effect as provided for a referendum by the electors of a district pursuant to Section 5200 of the Elections Code.

ARTICLE 15. TAX FOR INTEREST AND REDEMPTION OF BONDS

18560. Tax levy. The board of supervisors, at the time of making a levy of taxes for county purposes, shall levy a tax for that year upon the

taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds.

18561. Amount. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and, during the balance of the term, high enough to pay the annual interest, and to pay annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

18562. Use of funds. All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and be used for the payment of principal and interest on the bonds, and for no other purpose.

ARTICLE 16. PAYMENT OF INTEREST AND BONDS

18570. Payment. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor.

18571. Cancellation of bonds. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

PUBLIC LIBRARY SERVICES

(Educ. Code, Secs. 18700–18772)

ARTICLE 1. POLICY

18700. Legislative declaration. The Legislature hereby declares that it is in the interest of the people and of the state to aid and encourage the development of free public libraries throughout the state by grants to public library systems for the purpose of:

(a) Assisting them in establishing, improving, and extending library services.

(b) Encouraging them to establish library systems in areas where such cooperation would facilitate improved library services.

18701. Legislative intent. It is the intent of the Legislature under this act to distribute grants for the development and improvement of public library service to library systems by a formula that recognizes factors of need, ability, and effort. Need is recognized by basing the distribution, in part, on the population served by library systems and by allowing a special weighting for low density of population. Ability is recognized by adjusting the population estimates by the relative standing of such systems with respect to assessed valuation per capita. Effort is recognized by establishing as a qualification for receiving a grant a minimum level of local support, expressed either as a tax rate or as an amount of expenditure per capita, and by establishing minimum standards of service.

18702. Legislative policy. In adopting this chapter, the Legislature declares that its policy shall be:

(a) To oppose the removal of the government and administration of public libraries from local control.

(b) To encourage adequate financing of public libraries from local sources with state aid to be furnished on a limited basis only as a supplement to local support.

(c) To make no requirements, as a condition for receiving aid, concerning library equipment, nonbook services, or particular book or periodical titles.

ARTICLE 2. DEFINITIONS

18710. Definitions. As used in this chapter:

(a) "Public agency" means a county, city and county, city, or any district or other agency (including but not limited to an agency created pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code) authorized by law to provide public library services.

(b) "Library" means a single public library, or two or more such libraries, operated by a public agency.

(c) "System" means a library system formed pursuant to this chapter.

(d) "Plan of service" means a statement describing the specific purposes for which a system is formed, the means and the agencies by which such purposes are to be accomplished, and an estimate of the funds necessary for their accomplishment and the public agency or agencies who are to receive those funds.

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ARTICLE 3. ADMINISTRATION

18720. Administration by State Librarian. The State Librarian shall administer the provisions of this chapter, and shall prescribe such rules and regulations as are necessary to carry out its provisions.

18721. Expenditure of funds. The State Library may expend any funds appropriated for expenditure under this chapter.

ARTICLE 4. LOCAL CONTROL

18730. Local control. Nothing in this chapter shall be construed as authorizing the state to require libraries, as a condition for receiving grants, to:

(a) Acquire or exclude any specific book, periodical, film, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or periodicals by author, subject matter or type.

(b) Institute or eliminate any particular type of library service.

(c) Include or exclude for employment any particular number or class of personnel or to include or exclude any specific person for employment.

(d) Require minimum qualifications of library personnel.

ARTICLE 5. LIBRARY SYSTEMS

18740. Library systems. A library system may consist of any of the following systems:

(a) A library system consisting of a library operated by a single public agency.

(b) A consolidated library system, in which two or more public agencies consolidate their libraries to form a single library.

(c) A cooperative library system in which two or more public agencies enter into a written agreement to implement a plan of service for the agencies so contracting.

18741. Formation. The formation of a library system shall be accomplished in the following manner:

(a) An application for grants shall be submitted to the State Librarian, together with a plan of service approved by the participating public agency or agencies. The application for grants shall be accompanied by an official resolution passed by the city council in the case of a city, the county board of supervisors with respect to county libraries, or the governing board of a library district with respect to library district libraries. The system plan of service shall be incorporated by reference in the resolution. A plan of service shall, among other things, where a cooperative library system is involved, designate an executive committee for the system appointed by the governing bodies of the appropriate public agencies.

(b) The State Librarian shall not approve an application until funds are available for the grants sought.

(c) If the State Librarian approves the plan of service and the application, the public agency or agencies shall execute a contract with the State Librarian specifying the services to be rendered in order to implement

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the plan of service. The contracts shall be subject to the limitations provided in Article 4 (commencing with Section 18730) and shall contain the minimum provisions specified in Section 18752.

18742. Assistance from State Librarian. The State Librarian shall assist public agencies in the preparation and submission of applications for inclusion in an existing library system.

18743. Final date for grant applications. The State Librarian shall determine the final date each year for the submission of requests for grants, and any remaining funds which had been tentatively allocated for grants which subsequently did not qualify shall be distributed on a pro rata basis among those grants which did qualify.

18744. Contract with school district. The governing board of a school district or community college district, whose territory is served by one or more public agencies authorized to provide public library services, may contract with one or more of them for the purpose of making such services available to the pupils attending the schools maintained by the district. Expenses incurred by a school district pursuant to such a contract shall be a proper charge upon the general fund of the school district.

ARTICLE 6. GRANTS IN GENERAL

18750. Program of grants. There shall be a program of grants, as follows:

(a) Establishment grants.

(b) Annual per capita grants.

18751. Requirements to qualify. To qualify for grants under this chapter, a library system, once established, must:

(a) Provide equal access to all participating libraries to all residents of the area served by the system. Nothing in this chapter shall prevent the negotiation of agreements, or the exchange of funds, or the establishment of individual user charges designed to wholly or partially correct any imbalance of service caused by adherence to this subdivision; provided that over a period of not less than one year, the public agencies exchanging funds or the public agency imposing the user fee find that an imbalance of service exists.

(b) Provide for the annual addition of at least 4,000 new book titles to each library system which has a population of less than 75 persons per square mile, and the annual addition of 7,000 book titles to each library system which has a population of 75 or more persons per square mile.

(c) Have available in each system having a population of less than 75 persons per square mile at least 100,000 volumes, 40,000 of which have been acquired within 10 years, and in each system having a population of 75 or more persons per square mile at least 200,000 volumes, 60,000 of which have been acquired within 10 years.

(d) Have available in the system at least 7,500 reference book titles in its noncirculation collection.

(e) Have acquired in each system having a population of less than 75 persons per square mile subscriptions to at least 400 periodicals, including both juvenile and adult types, with one-half of such periodicals being on

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microform or in back files for the past 10 years, and in each system having a population of 75 or more persons per square mile subscriptions to at least 700 periodicals, including both juvenile and adult types, with three-quarters of such periodicals being on microform or in back files for the past 10 years.

(f) Have expended funds from local sources for total operating expenses, excluding capital expenditures, for each library within the system, in the fiscal year immediately preceding that in which application is made, and also have budgeted for the year in which application is made equivalent to the minimum specified in this subdivision. That minimum shall be either (1) the equivalent of a tax rate of fifteen cents ($0.15) on each one hundred dollars ($100) of the total assessed valuation of the area served by each library within the library system, as shown by the equalized assessment roll or rolls of such area for the preceding year, or (2) two dollars and fifty cents ($2.50) annually per capita in the area served by each library within the library system, whichever is less.

(g) Not expend less funds per capita from local sources for operating expenditures than it did in the preceding year.

(h) Carry out the provisions of the contracts entered into with the State Librarian designed to implement the plan of service.

18752. Requirement of contracts for grants. All grants shall be made according to the provisions of this chapter and the terms of the written contracts entered into between the respective public agencies and the State Librarian. These contracts, for establishment and per capita grants, shall, among other things:

(a) Specify the public agency or agencies to which payment is to be made, and the purposes for which the grants are to be expended.

(b) Specify the amount, time, and manner of payment.

(c) Specify that payment is to be conditioned upon receipt by the board of any progress report from the system, if it is one which has been requested for submission by the date of payment by the State Librarian.

(d) Specify that the grant can be expended only in augmentation, and not in lieu of, local appropriations.

(e) Specify that all requirements of Section 18751 shall be met.

(f) Specify that if no state grants are made the public agencies will not be bound to follow any of the provisions of the contract.

18753. Limitation on expenditures. An establishment grant for a system shall not exceed 25 percent of the total operating expenditures for the library or each of the libraries within that system, excluding capital expenditures, for the last completed fiscal year, except where there were no expenditures for the library for the last completed fiscal year, in which case the establishment grant for the system shall be the maximum provided for in Section 18770.

ARTICLE 7. ESTABLISHMENT AND PER CAPITA GRANTS

18770. Establishment grants. Establishment grants in the annual maximum amount of ten thousand dollars ($10,000) shall be made for the system:

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(a) For the library of each public agency which joins with one or more other public agencies in forming a library system.

(b) For the library of each public agency which joins an established system.

(c) For each library which is established in a previously unserved area and which qualifies as part of a system for the purpose of receiving state aid.

An establishment grant shall be paid as to each library under subdivision (a), (b) or (c) of this section, in respect to each of the first two years during which it is part of a library system.

18771. Per capita grants. From funds appropriated by the Legislature under this chapter, requirements for establishment grants shall have priority as determined by the State Librarian. From funds remaining after allocations for establishment grants, annual per capita grants shall be made for each library system which is formed following the procedure outlined in Article 5 (commencing with Section 18740) of this chapter and which meets the minimum standards specified in Article 6 (commencing with Section 18750) of this chapter as follows:

(a) Determine the assessed value of properties subject to taxation for library support in each single library area;

(b) Adjust the values determined by paragraph (a) by applying to them the factor provided for in Sections 41200 or 84200 and 41201 or 84261 of this code appropriate to the county wherein the values lie, but in no event shall any of the other provisions of those sections be applicable;

(c) Determine the sum of the populations taxed for library support of all single libraries in the state and, similarly, determine the sum of the assessed valuations computed in paragraph (b);

(d) Divide the total valuation assessed for library support in the state by the population of the state taxed for libraries; this will determine the assessed valuation per capita;

(e) For each single library divide adjusted assessed valuation of each library's area by its population to determine each single library's assessed valuation per capita;

(f) For each single library, divide the adjusted statewide assessed valuation per capita in the state by the adjusted assessed valuation per capita in the library area;

(g) Multiply the population in each library area by the figure of each such library as determined in accordance with paragraph (f); these figures shall be designated as basic weighted population values; and shall be the basis of determining the basic per capita grants;

(h) Multiply the basic weighted population of each of the library areas by a factor of 0.3 (or 30 percent) as to all library areas wherein the population per square mile is 100 or less; the resulting values shall be designated as supplementary weighted population values, and shall be the basis of determining supplementary project grants for such sparsely populated library areas;

(i) Determine the sum of the basic and supplementary weighted population for the entire state;

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(j) Divide the amount available for distribution to the libraries by the total weighted population, basic and supplementary, of the state, in one-thousandths; the resulting amount may be apportioned on account of each one-thousandth of weighted population, basic and supplementary, in any single library;

(k) With regard to basic weighted populations, any qualifying library system is eligible to receive funds as determined in accordance with paragraph (j);

(*l*) With regard to supplementary weighted populations, any library system which has single-library populations of 100 or less per square mile may apply for project grants, but only up to a total amount equal to the sum of all of the supplementary weighted population in one-thousandths contained within the system multiplied by the figure determined in paragraph (j); those sums would be available as project grants for the purpose of extending and improving library services in such sparsely populated areas.

Money not distributed under initial allocations may be reapportioned to library systems on the basis of the shares that each system's basic weighted populations represent in relation to the basic weighted population of all the library systems receiving grants.

18772. Consolidated or co-operative systems. If a public agency or two or more public agencies desiring to form a consolidated or cooperative system, applying for grants is unable to meet all of the minimum standards of Section 18751, the public agency or agencies may submit to the State Librarian a plan of service officially adopted by the public agency or agencies concerned for meeting all of the standards within a period of four completed fiscal years, the plan to indicate how much progress towards meeting the standards it is anticipated will be achieved each year. The State Librarian may then approve grants in the full amount to which the public agencies would be eligible were they to meet all standards, subject to the condition that a review will be made by the State Librarian of the provisional annual reports for the library systems, and that the second annual per capita grant will be contingent upon satisfactory achievement of the goals set up for the first fiscal year, according to the plan of service.

PROPERTY VALUATIONS FOR ALLOCATION OF MONEY TO SCHOOL DISTRICTS

(Collier Act Factor)

(Educ. Code, Secs. 41200–41206)

41200. Certification of modification. On the basis of computations made by the State Board of Equalization, the secretary of that board shall certify on or before October 1st of each year to the Superintendent of Public Instruction the factor, carried to three decimal places, by which the total assessed value of all tangible property on the current local roll of each county must be modified to conform to the statewide average assessment level.

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41201. Modification of district valuation. Any state department, board, or agency which allocates funds to any school district on the basis of the assessed valuation of property within the district, or which makes any computation on this basis for school building fund repayment purposes, shall average the factor certified for the current year under Section 41200 for the local roll of the county in which the district is located with the factors so certified for the two immediately preceding years; provided, that, in the event that an assessment ratio announced by a county assessor for the 1970–71 tax year is less than 25 percent, the factor for such county for such year shall be multiplied by a fraction in which the announced ratio is the numerator and 25 percent is the denominator before averaging the factor of that county for 1970–71 with the 1971–72 and 1972–73 factors. The department, board, or agency shall then modify that part of the valuation of the district shown on the local roll by application of this three-year-average factor carried to three decimal places. If a district is located in more than one county, this modification shall be made by applying the average factor appropriate for the assessed value of the property upon the local roll of each county within which the district is located.

LIBRARY SERVICES PROVIDED BY THE STATE

(Admin. Code, Title 5, Chapter 2.)

CHAPTER 2. PUBLIC LIBRARY SERVICES

Article
1. General Provisions
2. Library Systems
3. Qualifications for Receiving Grants
4. Grants
5. Provisional Systems
6. Reports
7. Applications
8. Payment of Funds

ARTICLE 1. GENERAL PROVISIONS

20100. Scope. The regulations contained in this chapter shall implement Chapter 4 of Part 11 of Title 1 of the Education Code.

20101. Definitions. As used in this chapter:

(a) "The Public Library Services Act of 1963" means Chapter 4 of Part 11 of Title 1 of the Education Code.

(b) "Affiliated library" means any library operated by a city or district, the tangible property of which is also subject to taxation in support of county library service.

(c) "Establishment grant" means a grant made pursuant to Education Code Section 18770.

(d) "Per capita grant" means a grant made pursuant to Education Code Section 18771.

(e) "Provisional grant" means a grant made pursuant to Education Code Section 18772.

(f) "Provisional system" means a library or libraries receiving a provisional grant.

(g) "Unserved county" means a county which does not operate a library and which does not contract with another public agency for library service through branches or other extension outlets.

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ARTICLE 2. LIBRARY SYSTEMS

20150. Elements of a "Library System." As used in this chapter and where used in Chapter 4 of Part 11 of Title 1 of the Education Code, "library system" shall mean one or more libraries providing the following basic elements of library service, involving but not necessarily limited to book and periodical resources:

(a) The selection and acquisition of materials in a consolidated or in a coordinated manner.

(b) The organization of materials for use, including cataloguing, classification, and physical preparation, in a consolidated or in a coordinated manner.

(c) The lending of materials for home use, with the return of such materials unrestricted as to service outlet.

(d) Reference and research, including assistance to users by library staff, consolidated or coordinated where necessary to provide the maximum utilization of the total resources of all participating libraries.

(e) The interavailability of materials and information among all service outlets on the same basis for all library users, including a method by which each participating library may ascertain specific holdings of other participating libraries.

20151. Plans of Service. To qualify for grants pursuant to The Public Library Services Act of 1963 a system must meet the minimum requirements set forth in Education Code Section 18751. A plan of service submitted with an application for a grant as required in The Public Library Services Act of 1963 shall include all of the services specified in Section 20150 and shall describe the exact manner in which each is to be provided. A plan of service shall also include a statement of each participating library's standards for branches, stations or other extension of service beyond its headquarters building. A plan of service shall, in addition, take into consideration total public library service in that area.

20152. Formation of a Library System. An existing library system shall not be deemed to be a system under the provisions of The Public Library Services Act of 1963 until it has complied with the provisions contained in Education Code Section 18741.

20153. Participation by Libraries Not Eligible for Grants. A library which does not meet the requirements of local support contained in Education Code Section 18751 (f) and (g) or Section 20310 (e) of this chapter may, with the consent of all other members, become a member of a library system, and may participate in the services provided by the system through grant funds, provided such library, as a minimum condition, pays into the system an amount to be determined on a per capita basis by dividing the total Public Library Services Act of 1963 appropriation for the year in which the ineligible library is applying by the total state population served by systems approved under the Public Library Services Act of 1963. The per capita amount determined by such method shall then be multiplied by the population of the service area of such ineligible library to determine the minimum amount to be paid into the system. Population

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sources used shall be the same as those used in determining grants for eligible libraries. In addition, such a library participating in a system in the manner prescribed may be required to pay an annual surcharge in an amount determined by the members of the system, which amount shall be based upon considerations of proportionate sharing of expenses on the one hand, and relative advantages derived through membership on the other hand, by each member of the system.

Such participation shall not exceed three fiscal years from the date a library is admitted to a system as a library not eligible for grants.

ARTICLE 3. QUALIFICATIONS FOR RECEIVING GRANTS

20200. Definitions. The following definitions shall apply to their respective terms as used in this chapter and in The Public Library Sevices Act of 1963, or in some section of said Act, where such section is more particularly referred to in a definition.

(a) "A single public library, or two or more such libraries, operated by a public agency" shall mean a public library which has a single administration and organization.

(b) "A single library area" is that area serviced by a single public library plus that area serviced by it under a total library services contract.

(c) "Equal access" shall mean that all of the services of each library in a system are available on the same basis to all residents of the area served by the system. If after a period of not less than one year, a member library finds an imbalance of service and wishes to negotiate agreements or exchange of funds or establish individual user fees the system shall amend its plan of service to incorporate the proposed changes.

(d) "New book titles" shall mean individual titles, new to the system and currently useful.

(e) "Program for the maintenance of back files and indexes for reference use of periodicals" shall mean a systemwide program, coordinated among the various units of the system, and providing a means of access to all such back files and indexes by all residents of the area served by the system.

(f) "Capital expenditures," which are to be excluded from the computation of operating expenses, in accordance with Education Code Section 18751 (f), as the term is used in said section, shall mean funds expended for land and buildings, including remodeling, the initial purchase of furniture and equipment for such buildings, and school library services.

(g) "Assessed valuation of the area served" shall mean the assessed valuation of all property, secured and unsecured, upon which local taxes are levied for the support of a given library. The assessed valuation shall be equivalent to that used for the purpose of subjecting such property to such local taxes.

(h) "Funds from local sources" as used in Education Code Section 18751 (f) and (g) shall include tax funds levied and expended by local public agencies for public library purposes as well as other local funds expended for public library purposes. However, where one public agency maintaining a public library contracts with and pays to another public

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agency which also maintains a public library an annual amount in exchange for the payment of which the latter public agency provides free public library service to certain residents of the area from which the former public agency collects taxes for public library purposes, any funds so paid by any such former public agency to any such latter public agency for the purposes mentioned shall be taken into account only once and the former public agency alone shall be credited with having paid such funds.

(i) "Subscriptions" shall mean titles.

20201. Population Count Where Residents Served by Another Public Agency. Where one public agency maintaining a public library contracts with and pays to another public agency which also maintains a public library an annual amount for the purposes, in the manner, and under the conditions, expressed in Section 20200 (h), the residents of the area from which the former public agency collects taxes for public library purposes, to which residents the latter public agency provides free public library service, shall be considered a population of the former public agency only where a population count is necessary in connection with the making of grants.

20202. Expenditure Year. The minimum expenditure of funds from local sources as required by Education Code Section 18751 (f) and (g) shall be for the fiscal year preceding that in which an application for a grant is made. The actual expenditure of local funds for library purposes shall be certified by the chief fiscal officer of the public agency, upon a form provided by the State Librarian. The provisions of this section and Education Code Section 18751 (f) and (g) shall not apply to a library established in an unserved county.

20203. Per Capita Expenditures. In computing the per capita expenditures from local funds as provided by Education Code Section 18751 and by this chapter, the population of the area served by a library in the fiscal year in which funds from local sources were expended shall be based upon one of the following official sources, whichever was the most recent at the beginning of the preceding fiscal year:

(a) The latest decennial census of the United States Department of Commerce.

(b) A special census taken by the United States Department of Commerce.

(c) An estimate prepared by the California State Department of Finance, Budget Division, Financial and Population Research Section.

20204. Affiliated Libraries. A library affiliated with a county library may elect to participate jointly with the county library for establishment grants or per capita grants. In such a joint application the combined expenditures of the affiliated library and the county library shall serve as the basis for determining the qualifications of both libraries under Education Code Section 18751 (f) and (g).

ARTICLE 4. GRANTS

20250. Purpose. An establishment grant is for the exclusive purpose of implementing a plan of service for a previously unserved county, or a

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plan which involves two or more libraries, or two or more library systems as defined in Education Code Section 18740.

20251. Consolidation. If two or more public agencies wish to consolidate their libraries into a single library an establishment grant for each such agency may be made for this purpose, pursuant to Education Code Section 18770 even though one or more of the libraries does not qualify individually under Education Code Section 18751 (f) or (g) or Section 20310 (e) of this chapter, provided that the resulting consolidated library shall qualify under Education Code Section 18751 (f) or (g) or Section 20310 (e) of this chapter as a library system or part of a qualifying library system under The Public Library Services Act of 1963 and this chapter.

20252. Capital Expenditures. An establishment grant may be used for the acquisition of land or buildings, or the construction of buildings, or the remodeling of existing buildings, but only if such improvements are necessary for the operation of a service or services to the entire area to be served by the system or are necessary to a consolidation made pursuant to Section 20251.

20253. Limitations. An establishment grant shall not be made to implement a plan of service involving only a single public agency except where such agency establishes or extends service to a previously unserved county and where such establishment or extension is a part of a plan of service qualifying under the provisions of The Public Library Services Act of 1963.

20254. Renewal of Grants. Establishment grants for each library that has participated in forming a library system will be paid in the amount of $10,000 for each such library, unless otherwise limited by the provisions of Education Code Section 18753 (b), both in the first year of establishment and in the second year, provided said system continues to qualify under the provisions of The Public Library Services Act of 1963 and this chapter, unless sufficient funds are unavailable.

20300. Population. In computing the population of the area served for the purpose of establishing the total amount of the grant as provided in Education Code Section 18771 the sources set forth in Section 20203 shall be used. Whichever source of population figure is used shall be that which is most recent as of July 1 of the fiscal year in which the application for a grant is made. More than one per capita grant shall not be made simultaneously with respect to persons resident in any given area.

20301. Population Per Square Mile. In computing the average population per square mile of the area served by a library system or portion thereof, in the event that the size of such area is not readily ascertainable from official sources, the average population per square mile of the area in question within a given county shall be deemed to be the same as the average population per square mile of the county as a whole.

20302. Renewal of Grants. It shall be the policy of the State Librarian to renew annually the per capita grant made for a system, provided said system continues to qualify under the provisions of The Public Library Services Act of 1963 and this chapter, unless sufficient funds are unavaila-

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ble. Award of an establishment grant shall not of itself guarantee the subsequent award of per capita grants.

ARTICLE 5. PROVISIONAL SYSTEMS

20310. Interim Standards. In order that there be reasonable assurance that a provisional system proposed for grants under Education Code Section 18772 can attain all of the minimum standards required within a four-year period, the provisional system must meet interim minimum standards as stated in this section. The four-year period shall begin July 1 of the fiscal year in which the system is established or becomes provisional. The following interim minimum standards must be met by the provisional system at the time of application:

(a) The provisional library system of 75 or more population per square mile in the first year of operation shall provide for the annual addition of at least 4,000 new book titles and a total of 200,000 volumes, 40,000 of which must have been acquired within the past ten years.

(b) The provisional library system of 75 or more population per square mile in the first year of operation shall provide for the purchase annually of 400 subscriptions to periodicals.

(c) The provisional library system having less than 75 population per square mile in the first year of operation shall provide for the annual addition of at least 3,000 new book titles and a total of 100,000 volumes, 30,000 of which must have been acquired within the past ten years.

(d) The provisional library system having under 75 population per square mile in the first year of operation shall provide for the purchase annually of at least 200 subscriptions to periodicals.

(e) The library or libraries participating shall have expended funds from local sources for total operating expenses excluding capital expenditures in the preceding fiscal year equal to one of the following minimums, whichever is less:

(1) The equivalent of the proceeds of the tax rate of ten cents ($0.10) on each hundred dollars ($100.00) of the total assessed valuation of the area served by the library as shown by the equalized assessment role of such areas for the preceding fiscal year; or

(2) Two dollars ($2.00) per capita in the area served by the library.

20311. Limitation. A public agency or agencies comprising a provisional library system shall not be eligible to receive provisional grants under Education Code Section 18772 for more than four consecutive years.

ARTICLE 6. REPORTS

20325. Periodic Reports. Written contracts entered into between the respective public agencies and the State Librarian for the payment of grants pursuant to Education Code Section 18752 shall specify that such public agencies shall submit to the State Librarian annual progress reports on progress made in implementing the plan of service, on forms provided by the State Librarian.

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20326. Special Reports. The State Librarian may require any public agency or library system, as a condition to receiving any future payments, to supply such additional information as the State Librarian shall deem necessary for the proper administration of The Public Library Services Act of 1963 and this chapter.

ARTICLE 7. APPLICATIONS

20350. Forms. Applications for all grants shall be made on forms provided by the State Librarian. Plans of service must accompany initial applications for grants.

20351. Filing Dates. (a) Applications for grants received by the State Librarian by the 30th day of September in each fiscal year shall be considered during October of each respective fiscal year with respect to grants made.

(b) A statement of continued eligibility on a form prescribed and supplied by the State Librarian shall be required of the library system for subsequent grants. Such a statement shall be submitted to the State Librarian within sufficient time that it is received by the State Librarian on or before the 30th day of September in the fiscal year for which the grant is to be made.

(c) Applications for grants received by the State Librarian after the expiration of the applicable filing date for grants may be approved if sufficient funds are available.

20352. Amendments to a Plan of Service. If a library system desires to amend its plan of service, amendments to that plan shall be filed with the State Librarian for approval on or before the 30th day of September. Amendments shall be subject to the provisions of Education Code Section 18741.

ARTICLE 8. PAYMENT OF FUNDS

20400. Claims. Any payment of funds to a public agency pursuant to The Public Library Services Act of 1963 and this chapter shall be made only upon a claim presented by such agency to the State Librarian on a form provided by him.

20401. Payments. All funds paid to a public agency pursuant to The Public Library Services Act of 1963 and this chapter shall be payable on the first day of the period in which expenditures are to be made by such agency, whether it be quarterly, annually, or otherwise, according to the type of grant, the amount of each such payment to be stated in the contract between such public agency and the State Librarian. Each cooperative library system shall designate one fiscal agent for the system.

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MISCELLANEOUS PROVISIONS

Community Recreation Act
(Educ. Code, Secs. 10900–10915)

Corporations to Administer Libraries
(Educ. Code, Secs. 19800–19811)

County and City Publications
(Gov. Code, Sec. 50110; Elec. Code, Sec. 456)

50110. County and city publications. The legislative body, and each office, officer, or employee of a local agency shall furnish the clerk three copies of each printed, mimeographed, or processed book, pamphlet, report, bulletin, or other publication issued by them at the expense of the local agency. The clerk shall send one copy of each publication to the State Library at Sacramento, the Bureau of Public Administration of the University of California at Berkeley, and the Bureau of Governmental Research of the University of California at Los Angeles, to be preserved for reference use in those institutions.

456. Great Register indexes. The county clerk shall have bound together in one or more volumes a general index of the books of affidavits of registration, arranged alphabetically by precincts, and shall keep at least one copy of the general index in his office for public reference. He shall also transmit one copy of the general index to the State Librarian in Sacramento.

County School Service Fund Services
(Educ. Code, Secs. 1700, 1703)

District Investigation Law
(Gov. Code, Secs. 58500–58732)

District Organization Act
(Gov. Code, Secs. 58000–58200)

District Reorganization Act of 1965
(Gov. Code, Secs. 56000–56550)

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Textbooks

(Educ. Code, Secs. 60101, 60510)

60101. Purchase by county libraries. No provision of this division shall be construed as prohibiting any district board, or any county library, from ordering and purchasing from their own funds such instructional materials as they may require, including state listed materials at a price equal to that computed pursuant to Section 60243.

60510. Disposal to county libraries. The state board, any district board which employs a superintendent of schools, and other school districts with the approval of the county superintendent of schools, may dispose of surplus or undistributed obsolete instructional materials in its possession which are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.

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Foundations for Institutions of Arts and Sciences

(Educ. Code, Secs. 21140–21154)

Incorporated Libraries

(Corporations Code, Secs. 9000–9801)

9200. Purposes. Incidental profit. A nonprofit corporation may be formed by three or more persons for any lawful purposes which do not contemplate the distribution of gains, profits, or dividends to the members thereof and for which individuals lawfully may associate themselves, such as religious, charitable, social, educational or cemetery purposes, or for rendering services, subject to laws and regulations applicable to particular classes of nonprofit corporations or lines of activity. Carrying on business at a profit as an incident to the main purposes of the corporation and the distribution of assets to members on dissolution are not forbidden to nonprofit corporations, but no corporation formed or existing under this part shall distribute any gains, profits, or dividends to any of its members as such except upon dissolution or winding up.

Joint Exercise of Powers

(Gov. Code, Secs. 6500–6578)

ARTICLE 1. JOINT POWERS AGREEMENTS

6500. "Public agency" defined. As used in this article, "public agency" includes the federal government or any federal department or agency, this state, an adjoining state or any state department or agency, a county, county board of education, city, public corporation, or public district of this state or an adjoining state.

6501. Approval. This article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of General Services or the Director of General Services if such approval is required by law.

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6502. Authorization. If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this state.

6503. Purpose and method. The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

6503.5. Notice. Whenever a joint powers agreement provides for the creation of an agency or entity which is separate from the parties to the agreement and is responsible for the administration of the agreement, such agency or entity shall, within 30 days after the effective date of the agreement or amendment thereto, cause a notice of the agreement or amendment to be prepared and filed with the office of the Secretary of State. Such notice shall contain:

(a) The name of each public agency which is a party to the agreement.
(b) The date upon which the agreement became effective.
(c) A statement of the purpose of the agreement or the power to be exercised.
(d) A description of the amendment or amendments made to the agreement, if any.

Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which agreement or amendment becomes effective on or after the effective date of this section, which fails to file the notice required by this section within 30 days after the effective date of the agreement or amendment, shall not thereafter, and until such filings are completed, issue any bonds or incur indebtedness of any kind.

6503.7. Agencies formed before March 7, 1973. Within 90 days after the effective date of this section, any separate agency or entity constituted pursuant to a joint powers agreement entered into prior to the effective date of this section and responsible for the administration of such agreement, shall cause a notice of the agreement to be prepared and filed with the office of the Secretary of State. Such notice shall contain all the information required for notice given pursuant to Section 6503.5.

Notwithstanding any other provisions of this chapter, any joint powers agency which is required and fails to file notice pursuant to this section within 90 days after the effective date of this section, shall not, thereafter, and until such filings are completed, issue any bonds, incur any debts, liabilities or obligations of any kind, or in any other way exercise any of its powers.

For purposes of recovering the costs incurred in filing and processing the notices required to be filed pursuant to this section and Section 6503.5, the Secretary of State may establish a schedule of fees. Such fees shall be collected by the office of the Secretary of State at the time the notices are filed and shall not exceed the reasonably anticipated cost to the Secretary of State of performing the work to which the fees relate.

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6504. Contributions and payment. The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement, (b) payments of public funds may be made to defray the cost of such purpose, (c) advances of public funds may be made for the purpose set forth in the agreement, or (d) personnel, equipment or property of one or more of the parties to the agreement may be used in lieu of other contributions or advances. The funds may be paid to and disbursed by the agency or entity agreed upon.

6505. Accountability of funds. Annual audit. The agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

In addition, and provided a separate agency or entity is created, the public officer performing the functions of auditor or controller as determined pursuant to Section 6505.5, shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every agency or entity. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted auditing standards.

Where an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county in which each of the contracting parties is located. Such report shall be filed within 12 months of the end of the fiscal year under examination.

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants, in making an audit pursuant to this section shall be borne by the agency or entity and shall be a charge against any unencumbered funds of the agency or entity available for the purpose.

All agencies or entities whose annual budget does not exceed five hundred dollars ($500), may, by unanimous request of the governing body thereof, with unanimous approval of the contracting parties replace the annual special audit with an audit covering a two-year period.

6505.1. Bonding of responsible officers. The contracting parties to an agreement made pursuant to this chapter shall designate the public office or officers or person or persons who have charge of, handle, or have access to any property of the agency or entity and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the contracting parties.

6505.5. Treasurer. If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated to be the depositary and have custody of all the money of the agency or entity, from whatever source.

The treasurer so designated shall:

(a) Receive and receipt for all money of the agency or entity and place

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it in the treasury of the treasurer so designated to the credit of the agency or entity;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all agency or entity money so held by him;

(c) Pay, when due, out of money of the agency or entity so held by him, all sums payable on outstanding bonds and coupons of the agency or entity;

(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement; and

(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he holds for the agency or entity, the amount of receipts since his last report, and the amount paid out since his last report.

The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated depositary pursuant to this section. He shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer or auditor.

6506. Parties. The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement of a commission or board constituted pursuant to the agreement or a person, firm or corporation designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.

6507. Separate agency. For the purposes of this article, the agency is a public entity separate from the parties to the agreement.

6508. Common power. The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any building, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations, said agency shall have the power to sue and be sued in its own name.

The governing body of any agency having the power to sue or be sued in its own name, created by an agreement entered into after the amendment to this section at the 1969 Regular Session of the Legislature,

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between parties composed exclusively of parties which are cities, counties, or public districts of this state, irrespective of whether all such parties fall within the same category, may as provided in such agreement, and in any ratio provided in the agreement, be composed exclusively of officials elected to one or more of the governing bodies of the parties to such agreement. Any existing agreement composed of parties which are cities, counties or public districts which creates a governing board of any agency having the power to sue or be sued may, at the option of the parties to the agreement, be amended to provide that the governing body of the created agency shall be composed exclusively of officials elected to one or more of the governing boards of the parties to such agreement in any ratio agreed to by the parties to the agreement. The governing body so created shall be empowered to delegate its functions to an advisory body or administrative entity for the purposes of program development, policy formulation, or program implementation, provided, however, that any annual budget of the agency to which the delegation is made must be approved by the governing body of the Joint Powers Agency.

In the event that such agency enters into further contracts, leases or other transactions with one or more of the parties to such agreement, an official elected to the governing body of such party may also act in the capacity of a member of the governing body of such agency.

6508.1. Assumption of obligations. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement, the debts, liabilities and obligations of the agency shall be debts, liabilities and obligations of the parties to the agreement, unless the agreement shall specify otherwise.

6509. Restrictions. Such power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.

6509.5. Investments. Any separate agency or entity created pursuant to this chapter shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the agency or entity, as the agency or entity determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

6510. Termination. The agreement may be continued for a definite term or until rescinded or terminated. The agreement may provide for the method by which it may be rescinded or terminated by any party.

6511. Disposition of property. The agreement shall provide for the disposition, division, or distribution of any property acquired as the result of the joint exercise of powers.

6512. Surplus money. The agreement shall provide that after the completion of its purpose, any surplus money on hand shall be returned in proportion to the contributions made.

6512.1. Revenue-producing facilities. If the purpose set forth in the agreement is the acquisition, construction or operation of a revenue-producing facility, the agreement may provide (a) for the repayment or

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return to the parties of all or any part of any contributions, payments or advances made by the parties pursuant to Section 6504 and (b) for payment to the parties of any sum or sums derived from the revenues of said facilities. Payments, repayments or returns pursuant to this section shall be made at the time and in the manner specified in the agreement and may be made at any time on or prior to the rescission or termination of the agreement or the completion of the purpose of the agreement.

6513. Immunity. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article.

6514. Mentally retarded—agencies. Any state department or agency concerned with the provisions of services or facilities to mentally retarded persons and their families may enter into agreements under this chapter.

ARTICLE 2. POWER TO ISSUE REVENUE BONDS

6540. "Bonds" defined. As used in this article, "bonds" means revenue bonds, notes or other evidences of indebtedness.

6541. "Bondholder" defined. "Bondholder" or "holder of bonds" or any similar term, as used in this article, shall mean any person who shall be the bearer of any outstanding revenue bond or the owner of bonds which shall at the time be registered to other than to bearer.

6542. "Entity" defined. "Entity" as used in this article means any agency, board or commission provided for by a joint powers agreement pursuant to Article 1 of this chapter. Such agency, board or commission is an entity separate from the public agencies which are parties to the agreement.

6542.5. "Local agency" defined. "Local agency" as used in this article means any public agency designated in Section 6500 other than the federal government or any federal department or agency, this state, an adjoining state, or any state department or agency.

6543. "Governing body" defined. "Governing body" as used in this article means the board or commission provided for by a joint powers agreement, pursuant to Article 1 of this chapter.

6544. "Indenture" defined. "Indenture" as used in this article means the instrument providing the terms and conditions for the issuance of the revenue bonds, and may be a resolution, order, agreement or other instrument.

6545. "Project" defined. "Project" as used in this article means buildings, structures, improvements and all facilities appurtenant thereto or provided therefor together with land and off-street parking facilities necessary therefor to be financed by revenue bonds issued pursuant to this article.

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6546. Power to issue bonds. In addition to other powers, any agency, commission or board provided for by a joint powers agreement pursuant to Article 1, if such entity has the power to acquire, construct, maintain or operate any one or more of the following projects:

(a) An exhibition building or other place for holding fairs or exhibitions for the display of agricultural, livestock, industrial, or other products;

(b) A coliseum, a stadium, a sport arena or sports pavilion or other building for holding sport events, athletic contests, contests of skill, exhibitions, spectacles and other public meetings;

(c) Any other public buildings;

(d) In a county having a population in excess of 4,000,000, a regional public park or regional public recreation area and all facilities and improvements related thereto;

may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project for any or all of said purposes.

6547. Bond ordinance and referendum. The power of the entity to issue revenue bonds is additional to the powers common to the parties to the joint powers agreement, but shall not be exercised until authorized by the parties to that agreement.

Every local agency shall make such authorization by ordinance. The ordinance shall describe in general terms the project, or projects, to be funded by the revenue bonds, the maximum amount of the bonds proposed to be issued, and the anticipated sources of revenue to redeem the bonds. Each such ordinance shall state that it is subject to the provisions for referendum prescribed by Section 3751.7 of the Elections Code.

A separate authorization shall be required for each separate bond issue proposed by the entity.

The requirement of an ordinance and the right to referendum thereon shall not apply to the issuance of revenue bonds if, prior to the effective date of the amendments to this section by the 1971 Legislature, one or more local or public agencies shall have taken formal action to implement any one or more projects to be acquired or constructed pursuant to a joint powers agreement. Formal action to implement any one or more projects shall include, but not be limited to, any of the following:

(a) The incurring of liability for a substantial portion of an architectural or engineering contract or other contract relating to a project;

(b) The acquisition of land or improvements for the project;

(c) The making of a substantial contribution toward the project.

6547.1. Power to incur other forms of indebtedness. Any entity which shall have been authorized to exercise the power to issue revenue bonds pursuant to this article shall have the further additional power to incur other forms of indebtedness pursuant to this section. Sad further additional power shall not be exercised until authorized by the parties to the agreement. Said indebtedness may be evidenced by one or more bonds of any denomination issued pursuant to this article, or may consist of a note, warrant or other evidence of indebtedness which may be secured by

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a pledge, with the power of sale of all or any part of bonds theretofore authorized or issued under this article. Said bond or bonds, or notes, warrants or other evidences of indebtedness may be issued in negotiable form in which case they shall be negotiable. The resolution authorizing the incurring of an indebtedness pursuant to this section may make any of the convenants and provide any of the terms or conditions authorized to be made or provided for in the case of bonds issued under this article, may provide for the sale or other disposition of any pledged bonds, and may contain any other convenant, term or condition which the governing body of the entity deems necessary or desirable to facilitate the incurring of said indebtedness or for the protection of the lender. Any such indebtedness shall be payable only from such sources as are authorized under this article for the payment of principal and interest on bonds or from the proceeds of refunding bonds issued pursuant to this article. Such indebtedness of the entity shall not constitute a debt, liability or obligation of any of the public agencies who are parties to the agreement creating such entity.

6547.2. Bond ordinance. Notice of the enactment of an ordinance subject to referendum under Section 6547 shall be published after adoption as required by Section 6040.1 within 15 days after the adoption of such ordinance.

If a local agency does not otherwise have statutory power to enact an ordinance pursuant to Section 6547, the governing body of such local agency is hereby empowered to introduce and enact such ordinance at any regular or adjourned regular meeting by the approving votes of a majority of all of its members. If ordinances of a local agency are not otherwise subject to referendum, then (1) the governing body of such local agency may refer any ordinance enacted pursuant to Section 6547 to the electors of such local agency in the same manner as the board of supervisors of a county may refer county questions pursuant to Section 3750 of the Elections Code, and (2) the electors of such local agency shall have the right to petition for referendum on such ordinance in the same manner and subject to the same rules as are set forth in Sections 3751 to 3754, inclusive, of the Elections Code, except that all computations referred to in those sections and officers of the county mentioned in those sections shall be construed to refer to comparable computations and officers of such local agency. If the governing board of a local agency is an elected board the electors of such local agency for the purposes of this section shall be the electors of the territory entitled to vote at elections for members of such governing board. If a local agency does not have an elected governing board, the electors residing within the boundaries of such local agency who would be qualified to vote for candidates for Governor at any gubernatorial election shall be the electors of such local agency for the purposes of this section.

6547.3. Limit on new bond ordinance. In the event that an ordinance enacted pursuant to Section 6547 authorizing the entity to issue revenue bonds is subjected to a successful referendum election or is repealed or rescinded by a local agency, no ordinance authorizing the entity to issue revenue bonds for the same purpose shall be passed by that local agency

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for a period of one year from the date of such referendum, repeal or rescission.

6547.4. Effect on 1971 amendment to Sec. 6547 on existing rights. Except for the requirement of an ordinance and the right to referendum thereon, the amendments to Section 6547 adopted at the 1971 Regular Session of the Legislature shall not limit or affect any heretofore existing right of any public agency to be a party to a joint powers agreement which authorizes an entity to issue bonds under this article, including the right to accomplish a public purpose of such public agency regardless of whether such public agency is obligated to make any contribution or payment of public funds or property.

6548. Purposes of issuance. The revenue bonds may be issued to provide all or any part of the funds required for the acquisition, construction and financing of said project, including any or all expenses incidental thereto or connected therewith, and such expenses may include engineering, inspection, legal and fiscal agents' fees, costs of the issuance and sale of said bonds, working capital, reserve fund, and bond interest estimated to accrue during the construction period and for a period of not to exceed 12 months after completion of construction. The proceeds of the bonds shall be used only for the project provided for the indenture pursuant to which such revenue bonds are issued.

6549. Terms of indenture. An indenture providing the terms and conditions for the issuance of the bonds and the convenants relating thereto shall be adopted in or approved by resolution. Such indenture shall describe or state the revenues and funds from which the bonds shall be payable. Such funds or revenues shall include the revenues derived from the operation of the project or projects for which the bond proceeds are used or expended and any other revenues derived therefrom, and may also include revenue, including existing funds, of the entity derived from any other building or buildings, coliseum, stadium, facilities or other sources and any or all extensions or renewals thereof.

6550. Payment of principal and interest. The principal and interest of the bonds shall be payable:

(a) First, out of the revenue derived from the operation of the project or projects for which the bond proceeds were or are to be used or expended, or any other revenues derived from said project;

(b) Second, from such other revenues, including existing funds, of the entity as are described or stated as security for the bonds in the indenture in accordance with Section 6549 hereof.

6551. Bonds not obligation of parties. Revenue bonds issued under this article and contracts or obligations entered into to carry out the purposes for which bonds are issued, payable in whole or in part from the proceeds of said bonds, shall not constitute a debt, liability or obligation of any of the public agencies who are parties to the agreement creating such entity.

6552. Recital of bond. All bonds issued by the entity shall contain a recital on their face that neither the payment of the principal or any part thereof nor any interest thereon constitutes a debt, liability or obligation

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of any of the public agencies who are parties to the agreement creating such entity.

6553. Recitals of indenture. The indenture authorizing the issuance of such bonds shall recite the objects and purposes for which the bonds are to be issued, which may include any or all of the purposes stated in this article and which shall comprise the project, the principal amount of the bonds, the maximum rate of interest to be payable thereon which shall not exceed 8 percent per annum, payable semiannually, except that interest for the first year may be made payable at the end of said year, the date or dates of issue of said bonds, the maturity date or dates thereof, and the fund or funds from which said bonds and the interest thereon and premiums upon the redemption of any thereof are to be payable, and such other provisions authorized by this article as the governing body of the entity deems necessary or desirable. Said bonds shall be issued in negotiable form and shall be negotiable. The recitals of regularity of proceedings in any revenue bond issued and sold under this article shall be conclusive evidence of compliance with the provisions of this article and of the validity of such bond. Said bonds may be issued and sold to the United States of America, or the State of California, or to any appropriate department or agency thereof, to provide a source for the payment of principal and interest on any loan made by the United States of America, or the State of California, or agency thereof, to any agency created by an agreement entered into pursuant to this chapter.

6554. Same. The indenture authorizing the issuance of such bonds shall provide the denomination or denominations of the bonds, the medium of payment of principal thereof and interest thereon, the place or places of payment of said bonds and interest, which may be within or without the State of California, the form of said bonds (including recitals of regularity of proceedings for the issuance thereof) and of interest coupons appertaining thereto, the form, denominations and conditions of any temporary bonds or interim certificates, and the manual and facsimile signatures to be attached to the bonds or certificates (one signature upon which must be manual) and the manual or facsimile signature to be affixed to the interest coupons.

6555. Additional terms. In the indenture authorizing the issuance of said bonds the governing body may also fix additional terms and conditions and may in any article, section or clause thereof make such provision or covenant as it may deem necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of the holders thereof, including, without affecting the generality of the foregoing, provision for any or all of the matters stated in Sections 6556 to 6568 of this article.

6556. Redemption. Said indenture may prove the terms and conditions under which said bonds may be paid, redeemed before maturity (including the premiums, if any, to be payable upon bonds redeemed prior to maturity), exchanged, registered, transferred, and negotiated. No bond shall be redeemable prior to maturity unless a statement substantially to that effect is contained in the bond.

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6557. Indenture provisions. Said indenture may include covenants or other provisions relating to the bonds issued thereunder requiring to entity to fix, prescribe and collect rates, tolls, fees, rentals or other charges in connection with the services and facilities furnished from the project acquired or constructed from the proceeds of bonds, and it may require such rates, tolls, fees, rentals or other charges to be sufficient to pay principal of and interest on the bonds as they become due, together with all expenses of operation, maintenance and repair of the project and such additional sums as may be required for any sinking fund, reserve fund or other special fund provided for the further security of such bonds, or as a depreciation charge or other charge in connection with such project; provided, however, that all rates, tolls, fees, rentals or other charges in connection with the services and facilities furnished by the project shall be subject to such provisions, if any, relative thereto as may be contained in the contract or agreement between the public agencies creating such entity.

6558. Same. The indenture may include convenants or other provisions, other than or in lieu of the provisions required by Article 1* (commencing with Section 6540) of this chapter, relating to the collection, deposit and safekeeping of the revenues, the permissible uses thereof, the special fund or funds to be kept for the payment of principal and interest of the bonds, including reserve, sinking, bond service, redemption and trust funds, and any bond payable from the revenue fund may be paid from any such special fund set up therefor; the appointment of a trustee; the permissible investments for moneys in said funds, or any thereof, the accounts and records to be kept, audits thereof and examination thereof by bondholders and others, and reports to be made by the entity. Any indenture providing for the appointment of a trustee shall limit such trustee's power of investment to only such investments as are authorized by Section 53601.

6559. Insurance. The indenture may include a convenant or other provision relating to the insurance upon such project, or any part thereof, against any or all risks, and in case of loss the application of the insurance proceeds.

6560. Limitations on sale or lease. The indenture may include a covenant or other provision containing prohibitions against or limitations upon the issuance of any additional bonds or the incurring of additional indebtedness payable from the revenues of the project.

6561. Limiting issuance of additional bonds. The indenture may contain convenants or other provisions providing for prohibitions against or limitations upon the issuance of any additional bonds or the incurring of additional indebtedness payable from the revenues of the project.

6562. Modification or change. The indenture may contain covenants or other provisions whereby the consent or agreement of a stated percentage or number of the holders of the bonds may bind all bondholders to modifications of or changes in all or part of the provisions of the indenture

* *Ed. note:* Article 1 of this chapter comprises Secs. 6500–6515. Sec. 6540 begins Article 2.

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authorizing or providing for the issuance of such bonds, and the provisions subject to modification or change shall be specified or stated in such indenture.

6563. Duplicate. The indenture may provide for the issuance of a duplicate in the manner and upon such terms and conditions as the governing body of the entity may determine, in the event any bond, temporary bond, coupon or interim certificate of any issue is lost, destroyed or mutilated.

6564. Impairment of rights. The indenture may include a covenant or provision against the entering into of any agreement which impairs the operation of the project or any part of it necessary to secure adequate revenues to pay the principal and interest of the bonds, or which otherwise would impair the rights of the bondholders with respect to the revenues or the operation of the project.

6565. Default; waiver. The indenture may provide for events of default and the terms upon which the bonds may be declared due before maturity and the terms upon which that declaration and its consequences may be waived.

6566. Breach. The indenture may provide for the rights, liabilities, powers and duties arising upon the entity's breach of any covenants, conditions or obligations of the indenture.

6567. Fiscal agent. The indenture may provide for a fiscal agent and the deposit of funds therewith.

6568. Additional provisions. The indenture may contain any other provision or covenant valid under the Constitutions of the State of California and the United States of America which the governing body of the entity deems necessary or desirable to facilitate the issuance and sale of the bonds or for the protection or security of holders thereof.

6569. Contract. The indenture authorizing the issuance of said bonds and all resolutions or orders in the proceeding for the issuance of said bonds shall constitute a contract with the holders of the bonds, and such contract may be enforced by any holder by mandamus, injunction or any applicable legal action, suit, proceeding or other remedy.

6570. Time payable. Any bonds issued under this act shall be payable within not more than forty (40) years from the date of issue thereof. No bond may be made payable at a time later than the end of the term of the agency, board or commission as provided in the joint powers agreement in effect at the time the bonds are issued.

6571. Issuance and sale; proceeds. The bonds shall be issued and sold as the governing body may determine, and for not less than par and accrued interest to date of delivery. The sale shall be conducted in compliance with Chapter 10 (commencing with Section 5800) of Division 6 of Title 1. The proceeds from the sale (except premium and accrued interest, which shall be paid into the bond service or other fund designated or established for the payment of the principal and interest of the bonds) shall be paid into the construction fund designated by the indenture authorizing the issuance of the bonds and shall be applied exclusively to the objects and purposes set forth in such indenture, including all expenses

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incidental thereto or in connection therewith, and also including the payment of interest on said bonds during the period of construction of the project and for a period not to exceed twelve (12) months after completion of such construction.

6572. Security. The bonds shall be secured by a pledge of and lien upon the revenues of the project described in the indenture authorizing the issuance of the bonds, and such revenues may be used only as provided in said indenture. The revenues of the project include revenues from improvements to or additions to or extensions thereof later constructed or made. The bonds shall also be secured by additional revenues, including existing funds, if any, of the entity from other sources, to the extent set forth in the indenture.

6573. Use of revenues when bonds outstanding. So long as any bonds or interest coupons thereof are outstanding and unpaid, the revenues and interest thereon shall not be used for any purpose not authorized by the indenture, unless the authority to make such use of revenues shall be authorized by the bondholders pursuant to the provisions of the indenture, and during such period the joint powers agreement shall be irrevocable and may not be amended or modified in any manner to the detriment of the bondholders. Any bond for the payment and discharge of which, upon maturity or upon redemption prior to maturity, provision has been made through the setting apart in a reserve fund or special trust account created pursuant to this article to insure the payment thereof, of moneys sufficient for that purpose or through the irrevocable segregation for that purpose in some sinking fund or other fund or trust account of moneys sufficient therefor, shall be deemed to be no longer outstanding and unpaid within the meaning of any provision of this article.

6574. Operation and maintenance. The entity shall operate, maintain and preserve the project in good repair and working order, and shall operate the project in an efficient and economical manner; provided, however, that the entity may lease or rent concessions, or lease or rent the project or any part thereof, or otherwise provide for the operation of the project or any part thereof.

6575. Tax exemption. All bonds and the interest thereon or income therefrom are exempt from all taxation in this state other than gift, inheritance and estate taxes.

6576. Refunding bonds. The entity may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any revenue bonds issued by the entity and any other indebtedness incurred by the entity. All provisions of this article applicable to the issuance of revenue bonds are applicable to the funding or refunding bonds and to the issuance, sale or exchange thereof.

6577. Bond amount. Funding or refunding bonds may be issued in a principal amount sufficient to provide funds for the payment of all of the following:

(a) All bonds to be funded or refunded by them.

(b) All expenses incident to the calling, retiring, or paying of the out-

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standing bonds and the issuance of the funding or refunding bonds, including the costs of issuing the refunding bonds (as defined in Section 53550).

(c) Interest upon the funding or refunding bonds from the date of sale to the date of payment of the bonds to be funded or refunded out of the proceeds of the sale or the date upon which the bonds to be funded or refunded will be paid pursuant to the call or agreement with the holders of such bonds.

(d) Any premium necessary in the calling or retiring of the outstanding bonds and the interest accruing on them to the date of the call or retirement.

6578. Liberal construction. This article shall be liberally construed to effectuate its purposes.

Legal Validation Proceedings

(Educ. Code, Secs. 21180–21203)

Maximum Property Tax Rates for Local Agencies

(Revenue and Taxation Code, Secs. 2201–2325)

2215. Special district defined. "Special district" means . . . any . . . zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. "Special district" does not include a city, a county, a school district or a community college district.

2216. County library. County free libraries established pursuant to Chapter 6 (commencing with Section 19100) of Part 11 of Title 1 of the Education Code . . . shall be considered "Special districts" for all purposes of this chapter.

2263. Maximum Rate for County Libraries and Library Districts. The maximum property tax rate which may be levied by, or on behalf of, a special district shall be:

(1) The maximum property tax rate authorized by the enabling statute under which the district is organized [1] . . .

(3) In addition, if the voters of a district, pursuant to provisions of the enabling statute under which the district is organized, have authorized an additional rate, such augmented rate shall be the maximum property tax rate [2] . . .

Deposit of Newspapers in Libraries

(Educ. Code, Secs. 19900–19902)

28751. Authorization. The board of supervisors of any county may authorize the county recorder to deposit with any free public library maintained at the county seat, or with the State Library, such newspaper files, or portions thereof, as may be in the custody of the recorder by virtue

[1] For county libraries deemed organized prior to 1972, the enabling statute rate is 30 cents per $100 assessed valuation, (Education Code, Sec. 19170). For Library Districts, the rate is 15 cents per $100 assessed valuation, (Education Code, Sec. 19472). The only districts so organized are Beaumont, Buena Park, Palo Verde Valley, Palos Verdes, Placentia, and Yorba Linda.

[2] For any special district, including those not under sec. 2263, the existing rate may be increased by local majority vote (sec. 2286).

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of Chapter 110 of the Statutes of 1862, relating to the purchase and preservation of newspapers, or by virtue of any other act.

28752. Agreement as to care. Before making the deposit, the board of supervisors shall obtain from the board of trustees or authorities in charge of the free public library, or the Department of Education, an agreement that it will properly preserve and care for the newspaper files, and make them accessible to the public.

28753. Transfer to State Library. The board of supervisors of any county may authorize the boards of trustees or other authorities in charge of any free public library with which newspaper files have been deposited in accordance with Section 19900 to deposit the newspaper files with the State Library.

Oath of Affirmation of Allegiance

(Gov. Code, Secs. 3100–3109)

Offenses Against Libraries

(Educ. Code, Secs. 19910–11; Penal Code, Secs. 496b, 602(p))

28801. Malicious mischief. Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor.

The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

28802. Retention of property. Any person who willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is guilty of a misdemeanor.

The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

496b. Buying or receiving stolen books. Every person who, being a dealer in or a collector of secondhand books or other literary material, or the agent, employee or representative of such dealer, or collector, buys or receives any book, manuscript, map, chart, or other work of literature, belonging to, and bearing any mark or indicia of ownership by a public or incorporated library, college or university, without ascertaining by diligent inquiry that the person selling or delivering the same has a legal right to do so, is guilty of criminally receiving such property in the first degree if such property be of the value of more than fifty dollars, and is punishable by imprisonment in the county jail for not more than one year, or by a fine of not more than twice the value of the property received, or by both such fine and imprisonment; and is guilty of criminally receiving such property

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in the second degree if such property be of the value of fifty dollars or under, and is punishable by imprisonment in the county jail for not more than one month, or by a fine of not more than twice the value of the property received, or by both such fine and imprisonment.

602(p). Refusal to leave public building. Refusing or failing to leave a public building of a public agency during those hours of the day or night when the building is regularly closed to the public upon being requested to do so by a regularly employed guard, watchman, or custodian of the public agency owning or maintaining the building or property, if the surrounding circumstances are such as to indicate to a reasonable man that such person has no apparent lawful business to pursue; is guilty of a misdemeanor.

Sales Tax

(Revenue and Taxation Code, Secs. 6006, 6006.5, 6362)

School and Junior College Librarians

(Educ. Code, Secs. 44269, 87286, 44830, 44868-69; Admin. Code, Title 5, Secs. 6211, 6230-32)

School Libraries

(Educ. Code, Secs. 1770-1773, 18100-18172; Admin. Code, Title 5, Sec. 5590)

State Publications

Library Distribution Act

(Gov. Code, Secs. 14900-14912, 9791)

14900. State policy. It is the policy of the State of California to make freely available to its inhabitants all state publications by distribution to libraries throughout the state, subject to the assumption by such libraries of the responsibilities of keeping such documents readily accessible for use, and of rendering assistance in their use to qualified patrons without charge.

14901. Number of copies. To the end that the policy specified in Section 14900 may be effectively carried out, the State Printer shall print a sufficient number of copies of each state publication as determined by the State Librarian in accordance with Sections 14901, 14903, 14904, 14905.1, and 14907, not to exceed three hundred fifty (350), unless the Department of General Services with the advice of the State Librarian determines that a greater number is necessary in order to meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, not more than one hundred fifty (150) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining

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copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 14866.

14902. "State publication" defined. "State publication" or "publication" as herein employed is defined to include any document, compilation, journal, law, resolution, Blue Book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the state, the Legislature, constitutional officers, or any department, commission or other agency thereof or prepared for the state by private individual or organization and issued in print, and "print" is defined to include all forms of duplicating other than by the use of carbon paper. The publications of the University of California, however, and intraoffice or interoffice publications and forms shall not be included.

14903. Distribution to State Library, University and colleges. As soon as practicable after deposit of the copies in the library stockroom, the State Printer shall forward of each publication other than the legislative bills, daily journals and daily or weekly histories, fifty (50) copies to the State Library at Sacramento, twenty-five (25) copies each to the University of California libraries at Berkeley and Los Angeles, and fifty (50) copies to the California State Colleges, to be allocated among the libraries thereof as directed by the Trustees of the California State Colleges. Such copies in excess of the number required for the institutions themselves, may be used for exchanges with other institutions or with agencies of other states and countries.

14904. Distribution of remaining copies. The copies remaining in the library stockroom, including the legislative bills, daily journals, and daily or weekly histories, shall be distributed as soon as practicable by the State Printer first one copy each to the libraries which are on his mailing list as "complete depositories," second one copy each to the libraries which are on his mailing list as "selective depositories," and third the balance to any libraries which may write for a copy or copies. Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all "complete depositories," and second to "selective depositories," designated by the Department of General Services.

14905. Depository libraries. To be placed on the mailing list as a "complete depository" or as a "selective depository," a library must contract with the Department of General Services to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service without charge to qualified patrons in the use of the publications. A library designated as a "complete depository" shall be sent one copy of every state publication, while a library designated as a "selective depository" shall be sent one copy of each publication of the type or issuing agency it selects.

14905.1. Interstate exchange agreements by State Library. The California State Library may enter into agreements with the appropriate state agencies of each of the 49 other states of the United States of America, to

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establish a program for the exchange of publications of legislative service agencies, other than publications of the Joint Legislative Audit Committee and of the Joint Legislative Budget Committee. The California legislative reports to be exchanged shall be selected by the State Librarian after consultation with, and subject to the approval of, the Joint Committee on Legislative Organization. The legislative research reports received from other states in exchange shall be made available by the California State Library to the California Legislature.

Prior to designation as an exchange agency, the state agency shall agree to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service in the use of the publications without charge to the legislature of that state and other qualified patrons.

The California State Library shall notify the appropriate state agency of each of the other states of the provisions of this section.

The additional number of copies of publications, not to exceed 100, needed to implement the program shall be printed or otherwise duplicated. The State Printer and the state legislative agencies upon notification of the need shall provide the designated number of publications.

14906. Depository libraries: Municipal, County, etc. Any municipal or county free library, any state college or state university library, the library of any incorporated college or university in this state, and the State Library, may contract as above provided. Applications are to be considered in the order of their receipt by the Department of General Services.

14907. Same: Law Libraries. Upon application, county law libraries, the law libraries of any law school approved by the State Bar of California, the Supreme Court Library, and the law libraries of the Department of Justice and the law library of the Continuing Education of the Bar of the University of California Extension may contract as provided in Section 14905 to become a selective or complete depository library.

14908. Law libraries: Proximity to depository libraries disregarded. Because of the specialized service rendered the citizens of this state through assistance in the administration of justice, proximity to another depository library shall be disregarded in the selection of a law library as a depository of legal materials.

14909. Same: Maintenance of basic legal documents. Maintenance of basic general documents shall not be required of law library depositories, but basic legal documents shall be maintained by them. Such basic legal documents shall include legislative bills, legislative committee hearings and reports, legislative journals, statutes, administrative reports, California Administrative Code and Register, annual reports of state agencies and other legal materials published by the state, where obtainable through the agency preparing same.

14910. List of state publications. To facilitate the distribution of state publications, the State Library shall issue monthly or quarterly a complete list of state publications issued during the immediately preceding month or quarter, such lists to be cumulated and printed at the end of each calendar year. All state departments, commissions and other agencies shall, upon request, supply information to the State Library for the prepa-

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ration of the monthly or quarterly lists and the annual cumulative lists.

14911. Correction of mailing lists. Whenever any state agency maintains a mailing list of public officials or other persons to whom publications or other printed matter is sent without charge, the state agency shall correct its mailing list and verify its accuracy at least once each year. This shall be done by addressing an appropriate post card or letter to each person on the mailing list. The name of any person who does not respond to such letter or post card, or who indicates that he does not desire to receive such publications or printed matter, shall be removed from the mailing lists. The responses of those desiring to be on the mailing list shall be retained by these agencies for one year.

14912. Number of copies of statutes. Notwithstanding any other provision of this article, the number of copies of statutes distributed to an authorized recipient shall not exceed the number requested by such recipient, or the number authorized by this article, whichever is the lesser.

9791. Distribution of laws, resolutions and journals. The laws, resolutions and journals of the Legislature shall be distributed by the Department of General Services as follows:

(a) To the Library of Congress, two copies.

(b) To the Governor, Lieutenant Governor, each Member of the Legislature, the Secretary of the Senate, the Chief Clerk of the Assembly, and the Legislative Auditor, one copy each.

(c) To the State Library, 60 copies or as many more as the State Librarian may require for exchange purposes, and to each county law library, one copy.

(d) To the Attorney General, six copies, and as many additional copies as may be requested, not exceeding the number necessary to supply each Assistant Attorney General, and each Deputy Attorney General with one copy of each.

(e) To the Legislative Counsel Bureau, as many copies as may be requested, not exceeding the number necessary to supply one copy of each for the use of the Legislative Counsel and each Deputy Legislative Counsel.

(f) To the State Supreme Court, 11 copies and as many additional copies as may be requested not to exceed four copies.

TAX EXEMPTION

(Const., Art. XIII, Sec. 1)

Sec. 1. Library property not taxed. All property in the state except as otherwise in this constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided, by law, * * * provided, that property used for free public libraries and free museums * * * shall be exempt from taxation. * * *

USE OF SCHOOL PROPERTY FOR PUBLIC PURPOSES

(Educ. Code, Secs. 40040–40057)

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APPENDIX

California Court Decisions and Attorney Generals' Opinions Relative to Libraries

Appropriations—Beyond amount raised by library tax. (City of Glendale v. Haak (1944), 62 Cal. App. 2d 426, 144 Pac. 2d 866).

Books—Duplicate—Supreme Court Library not authorized to dispose of State Library books. (Cal. Atty. Gen. Opin., No. 3621, June 10, 1918.)

Books—Index of free material. (Cal. Atty. Gen. Opin., N.S. 3751, Sept. 3, 1941.)

Books—Periodicals—Subscriptions (Cal. Atty. Gen. Opin., No. 5375, Aug. 13, 1925.)

Books—purchase or destruction—Function of certified county Librarian. (42 Ops. Cal. Atty. Gen. 18, 63-113.)

Books—Sectarian and denominational. (Evans v. Selma Union High School District (1924), 193 Cal. 54, 222 Pac. 801, 31 A.L.R. 1121, 35 Ops. Cal. Atty. Gen. 68, 59-296.)

Buildings—Construction by city, lease to county—Constitutional debt limitation not violated. (City of Montclair v. Donaldson. (1962) 205 Cal. App. 2d 201, 22 Cal. Rptr. 842.)

Buildings—County Free Library building owned and maintained by city. (Cal. Atty. Gen. Opin., N.S. 3768, Sept. 8, 1941.)

Buildings—Erection—Control by city. (Board of Library Trustees of City of Hanford v. Board of Trustees of City of Hanford (1906), 2 Cal. app. 760, 84 Pac. 227.)

Buildings—Erection—In public park. (Spires v. City of Los Angeles (1906), 150 Cal. 64, 87 Pac. 1026.)

Buildings—Libraries not monuments. (Fancher v. Fancher (1909), 156 Cal. 13, 103 Pac. 206, 23 L.R.A.n.s., 944.)

Charters—When governing. (People ex rel Willis v. Howard (1892), 94 Cal. 73, 29 Pac. 485.)

Claims—Bills for books are not. (Trustees State Library v. Kenfield (1880), 55 Cal. 488.)

Claims—Itemizing. (Kelso v. Teale (1895), 106 Cal. 477, 39 Pac. 948.)

Claims—Mandamus to compel payment. (Kelso v. Teale (1895), 106 Cal. 477, 39 Pac. 948.)

County Free Libraries—Authority of supervisors—Cannot direct purchase or destruction of books. (42 Ops. Cal. Atty. Gen. 18, 63-113.)

County Free Libraries—Authority of supervisors—Discretion of county librarian. (Cal. Atty. Gen. Opin., No. 2189, Nov. 27, 1911.)

County Free Libraries—Branch librarians—Appointment. (Cal. Atty. Gen. Opin., No. 5412, Aug. 29, 1925.)

County Free Libraries—Branches—Furniture may be provided by cities. (Cal. Atty. Gen. Opin., N.S. 1116, July 27, 1938.)

County Free Libraries—City Library assuming functions of, under contract with the county. (Cal. Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

County Free Libraries—Employees—Appointment—Charter county. (Cal. Atty. Gen. Opin., No. 3532, Dec. 27, 1917.)

County Free Libraries—Employees—Number, method of appoint-

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ment, terms of employment, compensation. (Cal. Atty. Gen. Opin., No. 8664, July 12, 1933.)

County Free Libraries —Establishment and tax levy without election. (Cal. Atty. Gen. Opin., No. 1903, Aug. 28, 1909.)

County Free Libraries—Establishment by contract with existing public library. (Cal. Atty. Gen. Opin., No. 1903, Aug. 28, 1909.)

County Free Libraries—Establishment—Referendum includes library district electors. (28 Ops. Cal. Atty. Gen. 100, 56-190.)

County Free Libraries—Funds—County school money may be set aside for. (Cal. Atty. Gen. Opin., No. 3533, Dec. 31, 1917.)

County Free Libraries—Funds—Expenditures. (Cal. Atty. Gen. Opin., No. 2189, Nov. 27, 1911.)

County Free Libraries—Funds—Transfer from county fund. (Cal. Atty. Gen. Opin., No. 5557, March 6, 1926.)

County Free Libraries—Librarian an officer and not an employee. (Cal. Atty. Gen. Opin., No. 4604, April 6, 1923.)

County Free Libraries—Librarian—Acting—Retains status as assistant. (Cal. Atty. Gen. Opin., N.S. 407, June 25, 1937.)

County Free Libraries—Librarians—Assistants—Appointment where no such position provided in charter. (Cal. Atty. Gen. Opin., No. 6009, June 23, 1927.)

County Free Libraries—Librarians—Assistants—Employees—Appointment—Civil service requirements. (Cal. Atty. Gen. Opin., No. 2840, Feb. 18, 1915.)

County Free Libraries—Librarians—County officers. (Cal. Atty. Gen. Opin., N.S. 756, Dec. 18, 1937; id. N.S. 756a, Jan. 1, 1938.)

County Free Libraries—Librarians—Deputies and assistants—Appointment. (Cal. Atty. Gen. Opin., No. 4365, Feb. 14, 1922.)

County Free Libraries—Librarians—Deputies—Assistants—Employees—Number, method of appointment, terms of office or employment, and compensation. (Cal. Atty. Gen. Opin., No. 8664, July 12, 1933.)

County Free Libraries—Librarians—Expenses incurred in performance of duties. (Cal. Atty. Gen. Letter, July 31, 1914; Cal. Atty. Gen. Opin., No. 3534, March 27, 1918; id. No. 3534a, April 5, 1918.)

County Free Libraries—Librarians—Purchase or destruction of books. (42 Ops. Cal. Atty. Gen. 18, 63-113.)

County Free Libraries—Librarians—Salaries and terms of office—Salary increase during term of office. (Cal. Atty. Gen. Opin., No. 4238, Aug. 27, 1921; id. No. 4238a, Dec. 13, 1921; id. No. 4348, Sept. 7, 1921; id. No. 4344, Jan. 5, 1922; id. No. 6431, June 29, 1928; id. N.S. 756, Dec. 18, 1937; id. N.S. 756a, Jan. 3, 1938; id. N.S. 2560, May 18, 1940; 2 Ops. Cal. Atty. Gen. 284, N.S. 5133, 1943; 12 id. 118, 48-166; 12 id. 324, 48-178; 14 id. 234, 49-190; 17 id. 142, 51-36; 18 id. 40, 51-117.)

County Free Libraries—Librarians-Salaries—Wartime suspension of changes in local salaries. (27 Ops. Cal. Atty. Gen. 295 55-233.)

County Free Libraries—Librarians—Salaries incident to title of office. (Cal. Atty. Gen. Opin., No. 6009, June 30, 1927.)

County Free Libraries—Quarters owned, maintained and serviced by city. (Cal. Atty. Gen. Opin., N.S. 3768, Sept. 8, 1941.)

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County Free Libraries—Purchase by city, lease to county—Constitutional debt limitation not violated. (City of Montclair v. Donaldson. (1962) 205 Cal. App. 2d 201, 22 Cal. Rptr. 842.)

County Free Libraries—Rent—"Carnegie" city library space. (4 Ops. Cal. Atty. Gen. 343, N.S. 5712, 1944.)

County Free Libraries—School district library funds—Use of, (Cal. Atty. Gen. Opin., No. 6755, July 2, 1929.)

County Free Libraries—School district purchase of service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

County Free Libraries—Service—Cities. (22 Ops. Cal. Atty. Gen. 9, No. 53-56.)

County Free Libraries—Supplies—Purchasing agent to purchase. (Cal. Atty. Gen. Opin., No. 6502, Sept. 27, 1928.)

County Free Libraries—Tax levy—City without free public library. (22 Ops. Cal. Atty. Gen. 9, 53-56.)

County Free Libraries—Tax levy—County charter provision not applicable. (Cal. Atty. Gen. Opin., No. 3598, May 21, 1918.)

County Free Libraries—Tax levy—County charter provision not applicable. (Cal. Atty. Gen. Opin., No. 3598, May 21, 1918.)

County Free Libraries—Tax levy—Election not necessary. (Cal. Atty. Gen. Opin., No. 1903, Aug. 28, 1909.)

County Free Libraries—Tax levy—Exemption. (Redman v. Warden (1928), 92 Cal. App. 636, 268 Pac. 686; Redman v. Weisenheimer (1929), 102 Cal. App. 488, 283 Pac. 363.)

County Free Libraries—Tax levy—Failure to levy—Maintenance from General Fund. (Cal. Atty. Gen. Opin., No. 2785, Oct. 19, 1914.)

County Free Libraries—Tax levy—Library districts. (28 Ops. Cal. Atty. Gen. 100, 56-190.)

County Free Libraries—Withdrawal of cities. (Cal. Atty. Gen. Opin., No. 7130, May 28, 1930.)

Employees—Reinstatement after removal account services no longer required. (Cal. Atty. Gen. Opin., No. 6540, Nov. 21, 1928.)

Expenditures—Validity. (Kelso v. Teale (1895), 106 Cal. 477, 39 Pac. 948.)

Funds—City building, lease to county—Not unlawful gift. (City of Montclair v. Donaldson. (1962) 205 Cal. App. 2d 201, 22 Cal. Rptr. 842.)

Funds—Embezzlement of warrants by librarian. (Robertson v. Library Trustees (1902), 136 Cal. 403, 69 Pac. 88.)

Funds—Expenditures—County Free Library. (Cal. Atty. Gen. Opin., No. 2189, Nov. 27, 1911.)

Funds—Gift to Blind Department of State Library. (2 Ops. Cal. Atty. Gen. 203, N.S. 5090, 1943.)

Funds—Municipal library—Library trustees authorize payment—Payment from library fund in city treasury. (Cal. Atty. Gen. Opin., No. 2253, March 30, 1912.)

Funds—New libraries—Interest on. (Board of Law Library Trustees v. Lowery (1945), 67 Cal. App. 2d 480, 154 Pac. 2d 719.)

Funds—School district libraries—Amount to be apportioned. (Cal. Atty. Gen. Opin., No. 3533, Dec. 31, 1917.)

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Funds—School district libraries—City library branches. (Cal. Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

Funds—School district libraries—Purchase of county library service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

Funds—School district libraries—Use of by County Free Library. (Cal. Atty. Gen. Opin., No. 6755, July 2, 1929.)

Funds—State Library—Alterations and improvements in library rooms. (Cal. Atty. Gen. Opin., No. 899, Nov. 12, 1903.)

Funds—State Library—Condition of appropriations. (Cal. Atty. Gen. Opin., No. 2498, June 13, 1913.)

Funds—Withdrawal from treasury. (Trustees State Library v. Kenfield (1880), 55 Cal. 488.)

Furniture—City may provide for use in County Free Library branch. (Cal. Atty. Gen. Opin., N.S. 1116, July 27, 1938.)

Gifts—To State Library, Blind Department (2 Ops. Cal. Atty. Gen. 203, N.S. 5090, 1943.)

Gifts—Within thirty days of death. (Estate of Budd (1913), 166 Cal. 286, 135, Pac. 1131.)

Law Libraries—Books—Sale or rent. (Cal. Atty. Gen. Opin., N.S. 1406, Feb. 17, 1939.)

Law Libraries—Books—Sales and use tax. (Cal. Atty. Gen. Opin., N.S. 2425, March 27, 1940.)

Law Libraries—Establishment and disestablishment—Supervisors discretionary powers. (Board of Law Library Trustees of Orange County v. Board of Supervisors of Orange County (1893), 99 Cal. 571, 34 Pac. 244.)

Law Libraries—Fees—Appeals from justices' courts. (Gunn v. Superior Court (1946), 73 Cal. App. 2d 564, 166 Pac. 2d 906); (Stansbury, Inc. v. Superior Court of San Bernardino County (1958), 51 Cal. 2d 80, 330 Pac. 2d 761.)

Law Libraries—Fees—Justices' courts. (23 Ops. Cal. Atty. Gen. 236, 48-258.)

Law Libraries—Fees—Multiple defendants. (52 Ops. Cal. Atty. Gen. 235, 69-234.)

Law Libraries—Funds—Interest on. (Board of Law Library Trustees v. Lowery (1945), 67 Cal. App. 2d 480, 154 Pac. 2d 719.)

Law Libraries—Funds—Political Code Sections 4190 and 4300a, (Cal. Atty. Gen. Opin., No. 3417, June 27, 1917.)

Law Libraries—Librarian practicing law—Office in county building. (Cal. Atty. Gen. Opin. N.S. 3913, Nov. 19, 1941.)

Law Libraries—Quarters—Mandate to compel supervisors to provide (Board of Law Library Trustees of Orange County v. Board of Supervisors of Orange County (1893), 99 Cal. 571, 34 Pac. 244.)

Law Libraries—Receipt of state publications. (14 Ops. Cal. Atty. Gen. 43, 49-104.)

Law Libraries—Sales and use tax—Books and periodicals—Law Libraries subject to tax. (People v. County of Imperial (1946), 76 Cal. App. 2d 572, 173 Pac. 2d 352; Cal. Atty. Gen. Opin., N.S. 2425, March 27, 1940; 16 Ops. Cal. Atty. Gen. 15, No. 50-27.)

Law Libraries—Separate entities for public purposes. (Board of Law

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Library Trustees v. Lowery (1945), 67 Cal. App. 2d 480, 154 Pac. 2d 719.)

Law Libraries—Statutes and court reports to be provided by Secretary of State. (14 Ops. Cal. Atty. Gen. 43, No. 49-104.)

Law Libraries—Use of by librarians for private practice of law. (Cal. Atty. Gen. Opin., N.S. 2026, Oct. 26, 1939.)

Librarians—Assistants—Appointment—Regulation by ordinance. (18 Ops. Cal. Atty. Gen. 3, No. 51-88.)

Librarians—Assistants—Employees—Appointment—Civil service requirements—County Free Libraries. (Cal. Atty. Gen. Opin., No. 2840, Feb. 18, 1915.)

Librarians—Deputies, assistants, and employees—Number, method of appointment, terms of office or employment, compensation—County Free Libraries. (Cal. Atty. Gen. Opin., No. 8664, July 12, 1933.)

Librarians—District Court of Appeal—Salary. (Cal. Atty. Gen. Opin. No. 5978, June 2, 1927.)

Librarians—Embezzlement of warrants on library funds. (Robertson v. Library Trustee (1902), 136 Cal. 403, 69 Pac. 88.)

Librarians—Expenses incurred in performance of duties. (Cal. Atty. Gen. Opin., No. 3534, March 27, 1918; id. No. 3534a, April 5, 1918.)

Librarians—Salaries—Incident to title of office. (People ex rel Wm. C. Stratton v. George Oulton, Controller of State (1865), 28 Cal. 44; Cal. Atty. Gen. Opin., No. 6009, June 23, 1927.)

Librarians—Salaries and terms of office—see also County Free Libraries —Librarians—Salaries and terms of office.

Librarians—San Luis Obispo C.F.L.—Salary increase. (Cal. Atty. Gen. Opin., No. 4344, Jan. 5, 1922.)

Librarians—School—Teacher retirement salary service credit. (Cal. Atty. Gen. Opin., No. 3469, Sept. 11, 1917.)

Librarians—State—Deputies. (Cal. Atty. Gen. Opin., No. 1301, Jan. 4, 1906; id. No. 1312, Jan. 17, 1906.)

Librarians—State normal and special schools—Teachers retirement salary eligibility. (Cal. Atty. Gen. Opin., No. 3956, Feb. 28, 1920.)

Librarians—Student—Minimum wage law not applicable to. (Cal. Atty. Gen. Opin., Nos. 1369, 9127, 10132, N.S. 332.)

Librarians—Terms of office. (People ex rel Stratton v. Oulton (1865), 28 Cal. 44, People ex rel Madden v. Stratton (1865), 28 Cal. 382.)

Librarians—Vacancy in office—Power to fill. (People ex rel Madden v. Stratton (1865), 28 Cal. 382.)

Library districts—Organization—Elections—Bonds. (Palos Verdes Library District v. McClellan (1929), 97 Cal. App. 769, 276 Pac. 600.)

Library districts—Tax levy—County Free Libraries. (28 Ops. Cal. Atty. Gen. 100, 56-190.)

"Maintaining free public library"—Limited service is not. (Cal. Atty. Gen. Opin., N.S. 874, Feb. 15, 1938.)

Municipal libraries—Employees—Civil service status implied. (City of Ukiah v. Board of Trustees (1961), 195 Cal. App. 2d 345, 15 Cal. Rptr. 811.)

Parks—Library buildings in—Erection of. (Spires v. City of Los Angeles (1906), 150 Cal, 64, 87 Pac. 1026.)

Periodicals—News Notes of California Libraries—Distribution—Sub-

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scription price. (Cal. Atty. Gen. Opin., No. 2001, July 11, 1910.)

Periodicals—Subscriptions—Payment in advance approved. (Cal. Atty. Gen. Opin., No. 5375, Aug. 13, 1925.)

Quarters—Mandate to compel supervisors to provide—Law Library. (Board of Law Library Trustees of Orange County v. Board of Supervisors of Orange County (1893), 99 Cal. 571, 34 Pac. 244.)

Rent—"Carnegie" city library—Space occupied by county free library. (4 Ops. Cal. Atty. Gen. 343, N.S. 5712.)

Revenue bonds—City building, lease to county—Not unlawful gift. (City of Montclair v. Donaldson. (1962) 205 Cal. App. 2d 201, 22 Cal. Rptr. 842.)

Salaries—see County Free Libraries—Librarians—Salaries and terms of office; Librarians—Salaries.

Sales and use tax—books and periodicals—Law Libraries subject to tax. (People v. County of Imperial (1946), 76 Cal. App. 2d 572, 173 Pac. 2d 352; Cal. Atty. Gen. Opin., N.S. 2425; March 27, 1940; 16 Ops. Cal. Atty. Gen. 15, No. 50-27.)

School district libraries—Fines—Trustees may assess fines against pupils for failure to return books, but power may not be delegated and cannot be made a function of a school student body organization. (25 Ops. Cal. Atty. Gen. 304, 55-22.)

School district libraries—Funds—Amount to be apportioned. (Cal. Atty. Gen. Opin., No. 3533, Dec. 31, 1917.)

School district libraries—Funds—Bond funds for equipment includes purchase of library books both as part of original collection and to supplement collection. (42 Ops. Cal. Atty. Gen. 37, 63-97.)

School district libraries—Funds—City library branch. (Cal. Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

School district libraries—Funds—Purchase of county library service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

School district libraries—Funds—Report on books purchased after money turned over to county library fund. (Cal. Atty. Gen. Opin., No. 8022, April 1, 1932; id. No. 8091, May 28, 1932.)

School district libraries—Funds—Use of by county free library. (Cal. Atty. Gen. Opin., No. 6755, July 2, 1929.)

School district libraries—Librarians as teachers. (Cal. Atty. Gen. Opin., No. 7046, March 14, 1930.)

School district libraries—Librarians rate as teachers for purpose of retirement. (Cal. Atty. Gen. Opin., No. 4054, July 24, 1920.)

School district libraries—Payment for library service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

School libraries—Purchases of sectarian or denominational books when deemed necessary. (35 Ops. Cal. Atty. Gen. 68, 59-296.)

State Library—Blind Department—Gift to. (2 Ops. Cal. Atty. Gen. 203, N.S. 5090, 1943.)

State Library—Funds—Withdrawal from treasury. (Trustees State Library v. Kenfield (1880), 55 Cal. 488.)

State Library—Trustees—Election by Legislature. (People ex rel Waterman v. Freeman (1889), 80 Cal. 233, 22 Pac. 173, 13 Amer. State Rep. 122.)

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State Library—Trustees—Eligibility for office of. (People ex rel Simmons v. Sanderson (1866), 30 Cal 160.)

State Library—Trustees—Vacancies in office (people ex rel Simmons v. Sanderson (1866), 30 Cal. 160.)

State publications—Receipt by law libraries (14 Ops. Cal. Atty. Gen. 43, 49–104.)

Tax exemption. (Cal. Atty. Gen. Opin., N.S. 874, Feb. 15, 1938.)

Tax levy—County Free Library—Election not necessary. (Cal. Atty. Gen. Opin., No. 1903, Aug. 28, 1909.)

Tax levy—County Free Library—Exemption from. (Redman V. Warden (1928), 92 Cal. App. 636, 268 Pac. 686; Redman v. Weisenheimer (1929), 102 Cal. App., 488, 283 Pac. 363.)

Tax levy—County Free Library—Failure to Levy—Maintenance from General Fund. (Cal. Atty. Gen. Opin., No. 2785. October 19, 1914.)

Tax levy—Resulting in surplus. (Rancho Santa Anita v. City of Arcadia. (1942), 20 Cal. 2d 319, 125 Pac. 2d 475.)

Teacher acting as librarian—Extra compensation. (Cal. Atty. Gen. Opin., No. 7046, March 14, 1930.)

Trustees—Appointment—Regulations by law. (people ex rel Waterman v. Freeman (1889), 80 Cal. 233, 22 Pac. 173, 13 Am. State Rep., 122.)

Trustees—Appointment—Under charter or general law. (People ex rel Willis v. Howard (1892), 94 Cal. 73, 29 Pac. 485.)

Trustees—Control over erection of building. (Board of Library Trustees of city of Hanford v. Board of Trustees of City of Hanford (1906), 2 Cal. App. 760, 84 Pac. 227.)

Trustees—State Library—Election by Legislature. (People ex rel Waterman v. Freeman (1889), 80 Cal. 233, 22 Pac. 173, 13 Amer. State Rep. 122.)

Trustees—State Library—Eligibility for office of. (People ex rel Simmons v. Sanderson (1866), 30 Cal. 160.)

Trustees—State Library—Vacancies in office. (People ex rel Simmons v. Sanderson (1866), 30 Cal. 160.)

Union high school library—Destruction of Records—Union high school district library within the purview of regulations of Superintendent of Public Instruction re destruction of records under Education Code 1113. (27 Ops. Cal. Atty. Gen. 161, 56-51.)

Warrants—Embezzlement by librarian. (Robertson v. Library Trustees (1902), 136 Cal. 403, 69 Pac. 88.)

Wills—Charities—Gift to public library within thirty days of death. (Estate of Budd (1913), 166 Cal. 286, 135 Pac. 1131.)

Wills—Direction for erection of monument to testator—Library building not authorized. (Fancher v. Fancher (1909), 156 Cal. 13, 103 Pac. 206, 23 L.R.A.n.s. 944.)

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CROSS-REFERENCE TABLE

Library Laws in Education Code of 1959 to Education Code of 1976

1959	*1976*
885	1700
885.3	1703
891–891.3	1770–1773
7050–7353	18100–18172
9322	60101
13140	44269
13220.12	87286
13251	44830
13289–90	44868–69
16551–16565	40040–40057
16651–16664	10900–10915
17261	41200
17262	41201
27000	19300
27001	19301
27002	19302
27003	19303
27004	19304
27005	19305
27006	19306
27051	19320
27052	19321
27053	12130
27054	19322
27055	19323
27056	19324
27101	19330
27102	19331
27103	19332
27104	19333
27105	19334
27111	18700
27111.5	18701
27112	18702
27113	18710
27114	18720
27114.1	18721
27121	18730
27125	18740
27126	18741
27127	18742
27128	18743
27129	18744
27130	18750
27131	18751
27132	18752
27133	18753
27144	18770
27145.5	18771
27146	18772
27150	18000
27150.1	18001
27151	19100
27152	19101
27153	19102
27154	19103
27155	19104
27156	19105
27157	19106
27158	19107
27159	19108
27160	19109
27161	19110
27162	19111
27163	19112
27164	19113
27165	19114
27166	19115
27201	19140
27201.5	19141
27202	19142
27203	19143
27204	19144
27205	19145
27206	19146
27207	19147
27207.1	19148
27208	19149
27209	19150
27253	19160
27254	19161
27255	19162
27256	19163
27257	19164
27258	19165
27259	19166

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1959	*1976*	*1959*	*1976*
27260	19167	27503.1	19603
27261	19168	27503.2	19604
27262	19169	27503.3	19605
27263	19170	27503.4	19606
27264	19172	27504	19607
26264.5	19173	27505	19608
27265	19174	27506	19609
27266	19175	27507	19610
27267	19176	27508	19611
27268	19177	27511	19612
27269	19178	27512	19613
27270	19179	27513	19614
27271	19180	27551	19640
27301	18900	27552	19641
27302	18901	27553	19642
27351	18910	27554	19643
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27354	18913	27557	19646
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27357	18916	27560	19649
27358	18917	27561	19650
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27360	18919	27563	19652
27361	18920	27564	19653
27362	18921	27565	19654
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27364	18923	27567	19656
27365	18924	27568	19657
27366	18925	27569	19658
27367	18926	27570	19659
27368	18927	27571	19660
27401	18950	27572	19661
27402	18951	27573	19662
27403	18952	27574	19663
27404	18953	27575	19664
27451	18960	27591	19690
27452	18961	27601	19700
27453	18962	27610	19702
27454	18963	27651	19720
27455	18964	27652	19721
27456	18965	27653	19722
27501	19600	27654	19723
27502	19601	27655	19724
27503	19602	27656	19725

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1959	*1976*	*1959*	*1976*
27657	19726	27869	19478
27658	19727	27870	19479
27659	19728	27871	19480
27660	19729	27872	19481
27661	19730	27873	19482
27662	19731	27874	19483
27663	19732	27891	19500
27664	19733	27901	19510
27665	19734	27902	19511
27751	19400	27902.1	19512
27752	19401	27902.2	19513
27753	19402	27902.3	19514
27754	19403	27903	19515
27755	19404	27951	19520
27756	19405	27952	19521
27757	19406	27953	19522
27758	19407	27954	19523
27801	19420	27955	19524
27802	19421	27956	19525
27803	19422	27957	19526
27804	19423	27958	19527
27805	19424	27959	19528
27806	19425	27960	19529
27807	19426	27961	19530
27808	19427	27962	19531
27809	19428	27963	19532
27810	19429	28001	18300
27811	19430	28002	18301
27851	19460	28021	18310
27852	19461	28022	18311
27853	19462	28023	18312
27854	19463	28051	18320
27855	19464	28052	18321
27856	19465	28053	18322
27857	19466	28101	18330
27858	19467	28102	18331
27859	19468	28103	18332
27860	19469	28104	18333
27861	18470	28105	18334
27862	19471	28106	18335
27863	19472	28107	18336
27864	19473	28108	18337
27865	19474	28109	18338
27866	19475	28110	18339
27867	19476	28111	18340
27868	19477	28112	18341

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28152	18371
28153	18372
28154	18373
28201	18380
28202	18381
28203	18382
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28206	18385
28251	18400
28252	18401
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28254	18403
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28503	18552
28504	18553
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28553	18562
28651	18570
28652	18571
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Senate Bill No. 792

CHAPTER 1255

An act to repeal and add Chapter 4 (commencing with Section 18700) of Part 11 of the Education Code, relating to public libraries, and making an appropriation therefor.

[Approved by Governor October 1, 1977. Filed with Secretary of State October 1, 1977.]

I strongly encourage local support of libraries and approve additional State funding for this essential attribute of civilized society.

I am reducing the $6,460,000 appropriation contained in Section 4 of Senate Bill No. 792 by $1,160,000 with the understanding that the remaining $5,300,000 become available in the 1978–79 fiscal year. This amount should meet the basic objectives of the bill.

With this reduction, I approve Senate Bill No. 792.

EDMUND G. BROWN JR., Governor

LEGISLATIVE COUNSEL'S DIGEST

SB 792, Dunlap. Public libraries.

Present law provides for a program of grants to public libraries to be administered by the State Librarian.

This bill would repeal those provisions and add a new chapter to the Education Code to be known as the California Library Services Act.

This bill would set forth various legislative findings, declarations, and purposes for this act, such as, for example, to encourage and enable the sharing and coordination of library resources and services among and between library systems, state reference centers, and specified libraries.

This bill would, among other things, provide for funding by grants and reimbursements specific qualifying library systems and would make provision for upgrading services to underserved residents.

This bill would establish the California Library Services Board whose duties would include, among other things, adopting rules, regulations, and general policies relating to the implementation of this bill. The State Librarian would be designated the chief executive officer of the state board and would administer the provisions of this bill.

This bill would provide for the establishment and creation of state reference centers to answer reference requests that cannot be met by systems and libraries participating in the programs authorized by this act.

This bill would create a computerized bibliographic data base to facilitate the location of information and library materials.

This bill would appropriate from the General Fund to the State Library the sum of $140,000 for the 1977–78 fiscal year and $6,460,000

for the 1978–79 fiscal year for the purpose of implementing the provisions of this bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 4 (commencing with Section 18700) of Part 11 of Division 1 of Title 1 of the Education Code is repealed.

SEC. 2. Chapter 4 (commencing with Section 18700) is added to Part 11 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 4. CALIFORNIA LIBRARY SERVICES ACT

Article 1. General Provisions

18700. This chapter shall be known as the California Library Services Act.

18701. The Legislature finds and declares that it is in the interest of the people of the state to insure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local government.

This finding is based on the recognition that:

(a) The public library is a primary source of information, recreation, and education to persons of all ages, any location or any economic circumstance.

(b) The expansion of knowledge and the increasing complexity of our society create needs for materials and information which go beyond the ability of any one library to provide.

(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.

(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including the handicapped, non-English and limited English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.

(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to compensate libraries for services beyond their clientele.

(f) The sharing of services and resources is most efficient when a common data base is available to provide information on where materials can be found.

18702. It is the intent of the Legislature to provide all residents with the opportunity to obtain from their public libraries needed materials and informational services by facilitating access to the resources of all libraries in this state.

This policy shall be accomplished by assisting public libraries to improve service to the underserved of all ages, and by enabling public libraries to provide their users with the services and resources of all libraries in this state.

18703. In adopting this chapter, the Legislature declares that its policy shall be:

(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act.

(b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.

(c) To encourage adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.

(d) To encourage service to the underserved of all ages.

(e) To encourage and enable the sharing of resources between libraries.

(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.

(g) To ensure public participation in carrying out the intent of this act.

Article 2. Definitions

18710. As used in this chapter, unless the context otherwise indicates or unless specific exception is made:

(a) "Academic library" means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.

(b) "Act" means the California Library Services Act.

(c) "Cooperative Library System" means a public library system which consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and which, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to such a library system.

(d) "Direct loan" means the lending of a book or other item directly to a borrower.

(e) "Equal access" means the right of the residents of jurisdictions which are members of a Cooperative Library System to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.

(f) "Independent public library" means a public library not a member of a system.

(g) "Interlibrary loan" means the lending of a book or other item from one library to another as the result of a user request for the item.

(h) "Interlibrary reference" means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.

(i) "Jurisdiction" means a county, city and county, city, or any district which is authorized by law to provide public library services and which operates a public library.

(j) "Libraries for institutionalized persons" means libraries maintained by institutions for the purpose of serving their resident populations.

(k) "Net imbalance" means the disproportionate cost incurred under universal borrowing or equal access when a library directly lends a greater number of items to users from outside its jurisdiction than its residents directly borrow from libraries of other jurisdictions.

(*l*) "Public library" means a library, or two or more libraries, which is operated by a single public jurisdiction and which serves its residents free of charge.

(m) "School library" means an organized collection of printed and audiovisual materials which (a) is administered as a unit, (b) is located in a designated place, and (c) makes printed, audiovisual, and other materials as well as necessary equipment and services of a staff accessible to elementary and secondary school students and teachers.

(n) "Single Library System" means a library system which consists of a single jurisdiction and which, as of the effective date of this act, was designated as a library system under the Public Library Services Act of 1963.

(o) "Special library" means one maintained by an association, government service, research institution, learned society, professional association, museum, business firm, industrial enterprise, chamber of commerce, or other organized group, the greater part of their collections being in a specific field or subject, e.g. natural sciences, economics, engineering, law, history.

(p) "Special Services Programs" means a project establishing or improving service to the underserved of all ages.

(q) "State board" means the California Library Services Board.

(r) "System" includes both Cooperative Library Systems and Single Library Systems.

(s) "Underserved" means any population segment with exceptional service needs not adequately met by traditional library service patterns; including, but not limited to, those persons who are geographically isolated, economically disadvantaged, functionally illiterate, of non-English-speaking or limited English-speaking ability, shut-in, institutionalized, or handicapped.

(t) "Universal borrowing" means the extension by a public library of its direct loan privileges to the eligible borrowers of all other public libraries.

Article 3. Administration

18720. There is hereby established in the state government the California Library Services Board, to consist of 13 members. The governor shall appoint nine members of the state board. Three of the governor's appointments shall be representative of laypersons, one of whom shall represent the handicapped, one representing limited and non-English speaking persons, and one representing economically disadvantaged persons.

The governor shall also appoint six members of the board, each of whom shall represent one of the following categories: school libraries, libraries for institutionalized persons, public library trustees or commissioners, public libraries, special libraries, and academic libraries.

The Legislature shall appoint the remaining four public members from persons who are not representative of categories mentioned in this section. Two shall be appointed by the Senate Rules Committee and two shall be appointed by the Speaker of the Assembly.

18721. Initial appointments to the board shall be made in the following manner:

(1) The Governor shall appoint five members for a two-year term, and four members for a four-year term.

(2) The Senate Rules Committee shall appoint one member for a two-year term, and one member for a four-year term.

(3) The Speaker of the Assembly shall appoint one member for a two-year term, and one member for a four-year term.

Initial appointments to the California Library Services Board shall become effective on January 10, 1978. All subsequent terms of office of members of the state board shall be four years, and will begin on January 1 of the year in which the respective terms are to start.

18722. The concurrence of seven members of the state board shall be necessary to the validity of any of its acts.

18723. Members of the state board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

18724. The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board, consistent with the terms and provisions of this chapter, shall have the following powers and duties:

(a) To direct the State Librarian in the administration of this chapter.

(b) To review for its approval all annual proposals submitted under this chapter.

(c) To annually submit budget proposals as part of the annual

budget of the Department of Education.

(d) To expend the funds appropriated for the purpose of implementing the provisions of this chapter.

(e) To require as a condition of acceptance of an application to participate in programs under Article 4 (commencing with Section 18730) and Article 5 (commencing with Section 18740) of this chapter and in each year thereafter that each participating public library have available from local sources for expenditure for operating purposes during each fiscal year an amount no less than that amount expended in the fiscal year preceding the effective date of this chapter.

(f) To require participating libraries and systems to prepare and submit any reports and information which are necessary to carry out the provisions of this chapter, and to prescribe the form and manner for providing such reports and information.

(g) To develop formulas for the equitable allocation of reimbursements under Sections 18731, 18743, 18744, and 18765. Such formulas shall be submitted to the Department of Finance for approval.

(h) To require that any public library participating in programs authorized by this chapter provide access to its bibliographic records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.

18725. The state board shall serve as the State Advisory Council on Libraries for the purpose of meeting the requirements of the federal Library Services and Construction Act.

18726. The State Librarian shall be the chief executive officer of the state board for purposes of this chapter and shall:

(a) Make such reports and recommendations as may be required by the state board.

(b) Administer the provisions of this chapter.

(c) Review all claims to insure programmatic and technical compliance with the provisions of this chapter.

Article 4. Local Public Library Services

18730. Any public library or combination of public libraries may submit proposals to the state board for Special Services Programs within the service area. Applications shall identify the needs of the target service group, assess the capacity of the applicant library or libraries to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Funds may be expended for the development of collections to meet the needs of the underserved, together with the employment or retraining of staff necessary to properly utilize the collections, and to provide appropriate services to the underserved.

18731. Any California public library may participate in universal borrowing. Public libraries participating in universal borrowing may

not exclude the residents of any jurisdiction maintaining a public library. Public libraries which incur a net imbalance shall be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (g) of Section 18724. Reimbursement shall be incurred only for imbalances between:

(a) System member libraries and independent public libraries.

(b) Independent public libraries with each other.

(c) Member libraries of one system with member libraries of other systems.

18732. If two or more public library jurisdictions wish to consolidate their libraries into a single library agency, an establishment grant in the annual maximum amount of twenty-thousand dollars ($20,000) shall be made to the newly consolidated library jurisdiction for each of two years, provided that notice of such consolidation is filed with the State Librarian within one year of the effective date of this act.

Article 5. Library System Services

18740. A library system, eligible for funds under this article, may consist of the following systems:

(a) A library system which, as of the effective date of this act, was designated a system under the Public Library Services Act of 1963.

(b) A library system in which two or more systems consolidate to form a library system.

(c) A library system which is formed by adding independent public library jurisdictions to an existing system.

(d) A library system formed by any combination of the above.

18741. (a) Each system described in Section 18740 shall receive an annual allowance for the improvement and maintenance of coordinated reference service support to the members of the system. The allowance for the first fiscal year following the effective date of this chapter shall be equal to three cents ($0.03) per capita, plus two thousand dollars ($2,000) for each member jurisdiction. Following the effective date of this chapter, if there occurs a consolidation among individual public libraries which, as of the effective date of this chapter, are members of a system, the per member allowance to the system shall continue at the same level as if the consolidation had not taken place.

(b) After identifying the needs of the underserved, each system shall use a fair and equitable portion of its reference allowance to improve the system's reference service to its underserved population through appropriate collection development, provision of reference specialists, and staff training. Funds for the reference grant may also be used for general and specialized reference collection development, employment of reference specialists, and system-wide reference training.

18742. Any system may apply to the state board for funds for Special Service Programs on a system-wide basis. Proposals shall identify the needs of the target service group, assess the capacity of the applicant system to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Systems may also apply for funds for other system-wide programs, but such programs shall include a component for serving the underserved on a system-wide basis.

18743. Each member library of a Cooperative Library System shall provide equal access to all residents of the area served by the system. Member libraries which incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18744. Each member library of a Cooperative Library System shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18745. Each Cooperative Library System shall annually apply to the state board for funds for intrasystem communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging materials and information among the member libraries.

18746. Each Cooperative Library System shall annually apply to the state board for funds for planning, coordination, and evaluation of the overall systemwide services authorized by this chapter.

18747. (a) Each Cooperative Library System shall establish an Administrative Council whose membership consists of the head librarians of each jurisdiction in the system. Duties of the Administrative Council shall include general administrative responsibility for the system, adopting a system plan of service, and submitting annual proposals to the state board for implementation of the provisions of this article.

(b) Each Cooperative Library System shall establish an advisory board consisting of as many members as there are member jurisdictions of the system. The governing body of each member jurisdiction shall appoint one member to the advisory board from among its residents.

18748. Each Single Library System shall establish an advisory board consisting of at least five members to be appointed by the governing body of the jurisdiction.

18749. The term of any member of a system advisory board shall be for two years, and each member shall serve no more than two consecutive terms. Staggered terms shall be established by drawing of lots at the first meeting of the advisory board so that a simple majority of the members shall initially serve a two-year term, and the remainder initially a one-year term.

The appointing jurisdiction shall ensure that members of a system advisory board are representative of the public-at-large and of the underserved residents in the system service area.

18750. The duties of each system advisory board shall include, but are not limited to, the following:

(a) Assisting the Administrative Council in the development of the system plan of service.

(b) Advising the Administrative Council on the need for services and programs.

(c) Assisting in the evaluation of the services provided by the system.

18751. When any system or systems consolidate, a grant of ten thousand dollars ($10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.

18752. When jurisdictions, not previously a member of any system, join an existing system, a grant shall be made to such a system as follows:

(a) If the jurisdiction joins in the first fiscal year after the effective date of this chapter, the award shall be five thousand dollars ($5,000) for each of the two succeeding years.

(b) If the jurisdiction joins in the second fiscal year after the effective date of this chapter, the award shall be for four thousand dollars ($4,000) for each of the two succeeding years.

(c) If the jurisdiction joins in the third fiscal year after the effective date of this chapter, the award shall be three thousand dollars ($3,000) for each of the two succeeding years.

(d) If the jurisdiction joins in the fourth fiscal year after the effective date of this chapter, the award shall be two thousand dollars ($2,000) for each of the two succeeding years.

(e) If the jurisdiction joins in the fifth fiscal year after the effective date of this chapter, the award shall be one thousand dollars ($1,000) for each of the two succeeding years.

(f) Grants made pursuant to this section shall terminate at the end of the fifth fiscal year following the effective date of this chapter.

Article 6. Statewide Services

18760. The state board shall establish and administer two or more state reference centers. The centers shall be responsible for answering reference requests that cannot be met by systems and libraries participating in the programs authorized by this chapter.

18761. Each reference center established by the state shall provide statewide service. Such service shall include the handling of reference requests that cannot be met locally and regionally.

18762. Each reference center established pursuant to Section 18760 may enter into reciprocal or contractual agreements with libraries or any other information source for the purpose of making available their materials and informational services for the benefit of the

library users of this state. Each California public library participating in any program under this chapter shall make materials and services available, as needed, to state reference centers.

18763. The budget of any reference center established pursuant to Section 18760 may include funds for the general operations of such centers, including funds for collection development and use.

18764. The state board shall designate one or more of the reference centers established pursuant to Section 18760 as a repository for collections specially relevant to economically disadvantaged persons and non-English-speaking persons.

18765. Each California library eligible to be reimbursed under this section for participation in the statewide interlibrary loan program shall be reimbursed according to the allocation formula developed pursuant to subdivision (g) of Section 18724 to cover the handling costs of each interlibrary loan whenever the borrowing library is a public library, except for the interlibrary loans made between members of a cooperative library system as provided in Section 18744. Libraries eligible for interlibrary loan reimbursement under this section shall include public libraries, libraries operated by public schools or school districts, libraries operated by public colleges or universities, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit private educational or research institutions. Loans to eligible libraries by public libraries shall also be reimbursed according to the allocation formula developed pursuant to subdivision (g) of Section 18724.

18766. The state board shall establish and maintain a statewide communications and delivery network between and among systems, state reference centers, independent public libraries and all other libraries participating in the programs authorized by this act.

SEC. 3. For each fiscal year, the state board may adjust both the formula allowance prescribed by Section 18741 of the Education Code and the standard unit costs of reimbursable transactions prescribed by Sections 18731, 18743, 18744, and 18765 of the Education Code to reflect differences in costs due to fluctuations in the value of money.

SEC. 4. There is hereby appropriated from the General Fund in the State Treasury to the State Library the sum of one hundred forty thousand dollars ($140,000) for the 1977–78 fiscal year and six million four hundred sixty thousand dollars ($6,460,000) for the purpose of complementing the provisions of Chapter 4 (commencing with Section 18700) of Part 11 of Division 1 of Title 1 of the Education Code.

It is the intent of the Legislature that further funding for this chapter be determined through the annual legislative budget process.

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